



CITY of BRISBANE

City Council Meeting Agenda

Thursday, October 6, 2022 at 7:30 PM • Virtual Meeting

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

PUBLIC MEETING VIDEOS

Members of the public may view the City Council Meeting by logging into the Zoom Webinar listed below. City Council Meetings can also be viewed live and/or on-demand via the City's YouTube Channel, www.youtube.com/brisbaneca, or on Comcast Channel 27. Archived videos can be replayed on the City's website, <http://brisbaneca.org/meetings>.

TO ADDRESS THE COUNCIL

The City Council Meeting will be an exclusively virtual meeting. The agenda materials may be viewed online at 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 webinar the following email and text line will be also monitored during the meeting and public comments received will be noted for the record during Oral Communications 1 and 2 or during an Item.

Email: ipadilla@brisbaneca.org

Text: 628-219-2922

Join Zoom Webinar: zoom.us (please use the latest version: zoom.us/download)
brisbaneca.org/cc-zoom

Webinar ID: 991 9362 8666

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.

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

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

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

ROLL CALL

ADOPTION OF AGENDA

AWARDS AND PRESENTATIONS

- A. Proclamation for the Volunteer of the Year
- B. Proclaiming National Hispanic & Latinx Heritage Month
- C. Proclamation of Fire Prevention Week of October 9th - 15th

ORAL COMMUNICATIONS NO. 1

CONSENT CALENDAR

- D. Approve Minutes of City Council Special Meeting of July 14, 2022
- E. Approve Minutes of City Council Closed Session Meeting of July 14, 2022
- F. Approve Minutes of City Council Special Meeting of August 4, 2022
- G. Approve Minutes of City Council Special Meeting of September 1, 2022
- H. Approve Minutes of City Council Closed Session Meeting of September 1, 2022
- I. Accept Investment Report as of August 2022
- J. Approve Co-Sponsorship Event for San Bruno Mountain Watch
- K. Approve Co-Sponsorship Event Excelsior Running Club
- L. Approve Co-Sponsorship Event for Brisbane Chamber of Commerce
- M. Approve Co-Sponsorship Event for Brisbane Dance Workshop
- N. Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public
- O. Approve Purchase of Fire Apparatus Ahead of Current Vehicle Replacement Budget Schedule
(The cost of the apparatus is \$930,000. We will pay 50% now in the amount of \$465,00 and the remaining 50% upon completion.)

PUBLIC HEARING

- P. Review of the Draft 2023-2031 Housing Element; Application Number: General Plan Amendment 2022-GPA-1

(City Council's action at this time will be to direct staff to submit the Housing Element to the California Dept. of Housing and Community Development (HCD) for review prior to its adoption by Council at a future public hearing.)

- Q. Consider Adoption of a Resolution to Implement the Second of Four Capital Facilities Fee for the Utility Fund.

(It is being recommended to Adopt a Resolution setting the rate for the second Capital Charge for water and wastewater services. Over a 17-year period, the City is phasing in four planned fee increases in order to pay for improvements to the City's aging water and wastewater systems. If adopted, the City will raise approximately \$350,000 a year in this second phase. The cost for a customer who uses 10 units of water (approximately 7,480 gallons) every two months, would be \$35 per bill or \$210 a year.)

STAFF REPORTS

- R. City Manager's Report on Upcoming Activities
- Update on Application Status of Baylands Specific Plan

MAYOR/COUNCIL MATTERS

- S. Mickelson Pool Request
- T. Countywide Assignments and Subcommittee Reports
- U. Written Communications

ORAL COMMUNICATIONS NO. 2

ADJOURNMENT

D.

File Attachments for Item:

D. Approve Minutes of City Council Special Meeting of July 14, 2022



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL SPECIAL MEETING

THURSDAY, JULY 14, 2022

VIRTUAL MEETING

8:00 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Mackin called the special meeting to order at 8:03 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Assistant City Manager Schillinger, Finance Director Yuen, City Engineer Breault, Deputy Director of Public Works Kinser, Sustainability Manager Etherton, Assistant Engineer Velazquez, and Admin Management Analyst Ibarra

REPORT OUT CLOSED SESSION

City Attorney McMorrow reported that updates were provided to Council, direction was given to staff and no action was taken at Closed Session regarding the two cases in Closed Session Item D and Item F. Liability Claim Item F was rejected by Council.

ADOPTION OF AGENDA

Councilmember O'Connell made a motion, seconded by Councilmember Davis, to adopt the agenda as it stands. The motion was carried unanimously by all present.

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

Noes: None

Abstentions: None

ORAL COMMUNICATIONS NO. 1

No member of the public wished to speak.

CONSENT CALENDAR

- A. Approve Minutes of City Council Special Meeting of June 23, 2022**
- B. Approve Minutes of City Council Special Meeting-Committee Interviews of June 23, 2022**
- C. Approve Minutes of Joint City Council, Successor Agency, Housing Authority, and Guadalupe Valley Municipal Improvement District Meeting of June 16, 2022**
- D. Approve Minutes of City Council Closed Session Meeting of June 16, 2022**
- E. Approve Minutes of City Council Special Meeting/Workshop of June 9, 2022**
- F. Approve Minutes of City Council Meeting of June 2, 2022**
- G. Approve Minutes of City Council Closed Session Meeting of June 2, 2022**
- H. Accept Investment Report as of May 2022**

Councilmember O'Connell made a motion, seconded by Councilmember Davis, to approve Consent Calendar Items A-H. The motion was carried unanimously by all present.

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

CONTINUED PUBLIC HEARING

- I. Consider adoption of Resolution adopting a Master Fee Schedule**

(This item was continued from the City Council Meeting of June 16, 2022 and will discuss the Master Fee Schedule for the Parks and Recreation Department)

Finance Director Yuen reported that this item was continued from the City Council Meeting of June 16, 2022 to further discuss the Parks and Recreation Department's fee schedule.

She added that the Parks and Recreation Department reviewed their section again with the understanding that resident fees and those of non-residents could be increased at different rates to consider hardships experienced by residents as a result of the current economic environment, and increases that could be

implemented for non-resident rates up to the allowable 7%. Based on FY22/23 budget, staff estimates approximately an additional \$16,000 in fees with proposed increases.

After some Council questions, Mayor Mackin opened the public hearing.

Barbara Ebel commented that lowering the fees for facility rentals can benefit the City too.

Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

After Council discussion, Councilmember Davis made a motion, seconded by Councilmember Cunningham, to adopt a Resolution adopting a Master Fee Schedule. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

J. Climate Emergency Declaration - First Annual Report

(Council will receive a presentation on the status of Climate Emergency goals and progress towards meeting them as directed by Resolution No. 2021-62)

Sustainability Manager Etherton reported that on July 15, 2021 the City Council approved Resolution No. 2021-62, the Climate Emergency Declaration which established the City's ongoing commitment to address climate action and equity, and aspirational goals of 66% greenhouse gas emissions reductions by 2030 and carbon neutrality by 2040. It also directed staff to report annually to council on progress towards meeting these goals.

Sustainability Manager Etherton reported that actions in progress included the following: Increased Sustainability/OSEC budget request, Brisbane Building Efficiency Program, EV Charging Station at City Facilities, Pool Heat Pump Water Heater, and the Disposable Foodware Ordinance.

After Council question, Barbara Ebel made recommendations on building reach codes and heat pump water heater.

After Council discussion, Council thanked Sustainability Manager Etherton for the report.

K. Award of Contract to CMG Landscape Architecture for the Master Planning of Sierra Point Open Space and Parks in the Amount of \$199,758.00

After council questions and no public comment. Councilmembers Lentz and O'Connell shared their discussion in their subcommittee meetings.

After Council discussion, Councilmember Davis made a motion, seconded by Councilmember Cunningham, to approve contract to CMG Landscape Architecture for the Master Planning of Sierra Point Open Space and Parks in the Amount of \$199,758.00. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

L. Prop 218 Mailing for Water and Sewer Rate Increase

(The fiscal impact of this item is the following: the cost for a customer who uses 10 units of water per billing cycle (every two months) would be \$35 per bill or \$210 per year)

Assistant City Manager Schillinger reported that the Council in 2014 approved a policy of placing a new Capital Charge on the water and sewer bill four times over a twenty year period. It is time to place the second charge on the bills. The charge should have been placed on the bills in 2020 but due to the impacts of COVID staff determined that it was better to delay some of the projects instead of increasing rates during the beginning of a pandemic. The City will need to mail a letter letting our property owners and our utility users know about the proposed rate increase. If more than 50% of the property owners and utility users protest the rate increase it cannot be imposed and the City will not be able to complete the necessary projects to ensure the continued ability to provide clean drinking water and safe conveyance of wastewater to the treatment plan.

He added that the projects that will be completed with this round of funding are:

- Lift Station Condition Assessment and Hydraulic Evaluation
- Sewer Pipeline Replacements
- Glen Park Pump Station Upgrade
- SCADA System Replacement
- Water Meter AMI (Advanced Metering Infrastructure) System
- Water Pipeline Replacements

The cost for a customer who uses 10 units of water per billing cycle (every two months) would be \$35 per bill or \$210 per year.

After council questions, no public comment and Council discussion, Councilmember Davis made a motion, seconded by Councilmember Lentz to begin the Proposition 218 process for setting a rate for capital improvements for the water and sewer system. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

STAFF REPORTS

M. City Manager's Report on Upcoming Activities

City Manager Holstine reported on the latest news and upcoming summer events.

MAYOR/COUNCIL MATTERS

N. Countywide Assignments and Subcommittee Reports

Councilmember O'Connell reported on the BBCAG meeting.

O. Written Communications

Council did not receive any written communication between July 8-July 14th.

ORAL COMMUNICATIONS NO. 2

No member of the public wished to speak.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 9:19 P.M.

Ingrid Padilla, City Clerk

E.

File Attachments for Item:

E. Approve Minutes of City Council Closed Session Meeting of July 14, 2022



BRISBANE CITY COUNCIL

ACTION MINUTES

BRISBANE CITY COUNCIL CLOSED SESSION MEETING

THURSDAY, SEPTEMBER 1, 2022

VIRTUAL MEETING

5:15 P.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

E. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code, section 54956.9
Number of Cases: Two

Mayor Mackin called the meeting to order at 5:17 P.M.
No members of the public wished to make public comment.
Mayor Mackin adjourned the meeting into closed session.

REPORT OUT CLOSED SESSION

City Attorney McMorro reported that updates were provided to Council, direction was given to staff and no action was taken at Closed Session regarding the two cases in Closed Session Item E. Liability Claim Item F was rejected by Council.

ADJOURNMENT

The meeting was adjourned at 8:18 P.M.

Ingrid Padilla, City Clerk

F.

File Attachments for Item:

F. Approve Minutes of City Council Special Meeting of August 4, 2022



BRISBANE CITY COUNCIL**ACTION MINUTES**

CITY COUNCIL SPECIAL MEETING**THURSDAY, AUGUST 4, 2022***VIRTUAL MEETING*

Mayor Mackin made the following announcement: "Under the Brown Act, special meetings may be called by providing written notice to each Council member, to any newspaper or tv/radio station that has requested such notice, and by posting notice on the City's website. Such notice must be delivered and posted at least 24 hours before the meeting. The notice shall specify the business to be transacted at the meeting and no other business may be conducted. Concerning tonight's special meeting, notice was delivered and posted on the City's website 48 hours prior to the meeting. The notice on the City's website had a link to the agenda and the agenda materials. Accordingly, notice of tonight's meeting has complied in all respects with the Brown Act."

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mackin called the special meeting to order at 5:04 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, and City Attorney McMorro

ADOPTION OF AGENDA

Councilmember Cunningham made a motion, seconded by Councilmember O'Connell, to adopt the agenda as it stands. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

ORAL COMMUNICATIONS NO. 1

No member of the public wish to make public comment.

CONSENT CALENDAR

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

Councilmember Davis made a motion, seconded by Councilmember O'Connell, to approve Consent Calendar Item A.

The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

STAFF REPORTS

B. City Manager's Report on Upcoming Activities

City Manager reported on important news for the month of August.

MAYOR/COUNCIL MATTERS

C. City Council Meeting Schedule

The next City Council Meeting is a special meeting scheduled for Thursday, September 1st at 5pm to continue remote public meetings and the next regular City Council Meeting is scheduled for Thursday, September 15th at 7:30 P.M.

D. Written Communications

Council received the following written communications between July 14-August 4, 2022:

- Dana Dillworth (8/3/22) City of Brisbane City Council Special Meeting August 4, 2022 at 5:00 P.M.
- Heidi Levison (7/22/22) FOBL Donor wall
- Julie Testa, City of Pleasanton Councilmember, Executive Director CALE, Susan Candell, City of Lafayette Councilmember, Executive Board Member CALE, Pam K. Lee, Attorney at Aleshire & Winder, LLP (7/20/22) Join the Statewide Lawsuit from Cities against HCD for erroneous RHNA allocation
- Dana Dillworth (7/20/22) Document for Public Record
- David Schooley (7/16/22) Written Comment Re: Quarry

ORAL COMMUNICATIONS NO. 2

There were no members of the public wishing to make public comment.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 5:10 P.M.

Ingrid Padilla, City Clerk

DRAFT

G.

File Attachments for Item:

G. Approve Minutes of City Council Special Meeting of September 1, 2022



BRISBANE CITY COUNCIL**ACTION MINUTES**

CITY COUNCIL SPECIAL MEETING**THURSDAY, SEPTEMBER 1, 2022***VIRTUAL MEETING***CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Mackin called the special meeting to order at 5:03 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, and City Attorney McMorrow

ADOPTION OF AGENDA

Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to adopt the agenda as it stands. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

ORAL COMMUNICATIONS NO. 1

No member of the public wish to make public comment.

CONSENT CALENDAR

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

Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to approve Consent Calendar Item A. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

MAYOR/COUNCIL MATTERS

B. City Council Meeting Schedule

The last City Council Meeting of the year will be held on December 15, 2022. Councilmembers Cunningham and Lentz may have to attend meetings when they are out of the Country in the Fall.

C. Written Communications

Council received the following written communications between August 5-September 1, 2022:

- Dana Dillworth (8/25/22) 2023 Housing Element for Planning Commission
- Jane Stahl of Warm Water Wellness (8/22/22) Resolution - Mickelson Therapy Pool
- Michele Salmon (8/11/22) Update on High-Speed Rail Environmental Impact Report

ORAL COMMUNICATIONS NO. 2

There were no members of the public wishing to make public comment.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 5:08 P.M.

Ingrid Padilla, City Clerk

File Attachments for Item:

H. Approve Minutes of City Council Closed Session Meeting of September 1, 2022



BRISBANE CITY COUNCIL

ACTION MINUTES

BRISBANE CITY COUNCIL CLOSED SESSION MEETING

THURSDAY, SEPTEMBER 1, 2022

VIRTUAL MEETING

5:15 P.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

E. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code, section 54956.9
Number of Cases: Two

Mayor Mackin called the meeting to order at 5:17 P.M.
No members of the public wished to make public comment.
Mayor Mackin adjourned the meeting into closed session.

REPORT OUT CLOSED SESSION

City Attorney McMorro reported that updates were provided to Council, direction was given to staff and no action was taken at Closed Session regarding the two cases in Closed Session Item E.

ADJOURNMENT

The meeting was adjourned at 8:18 P.M.

Ingrid Padilla, City Clerk

File Attachments for Item:

I. Accept Investment Report as of August 2022

CITY OF BRISBANE
CASH BALANCES & INVESTMENTS
SOURCE OF FUNDING
August 31, 2022

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		\$ 2,958,882	\$ 2,958,882	\$ 2,958,882	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	\$ 16,930,813	\$ 16,930,813	\$ 16,930,813	1.180	on call	no rating
Other Investments								
	Comenity Capital Bank	4/28/2019	\$ 248,000	\$ 248,000	\$ 246,320	2.650	04/28/2023	
	Morgan Stanley	5/2/2019	\$ 245,000	\$ 245,000	\$ 243,180	2.650	05/02/2023	
	FFCB	3/8/2022	\$ 1,000,000	\$ 1,000,000	\$ 969,390	1.670	03/08/2024	
	FHLB	4/22/2022	\$ 1,000,000	\$ 1,000,000	\$ 977,290	2.400	04/22/2024	
	Goldman Sachs	5/1/2019	\$ 246,000	\$ 246,000	\$ 241,225	2.750	05/01/2024	
	FHLB	7/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 989,330	3.350	07/26/2024	
	FHLB	12/31/2021	\$ 1,000,000	\$ 1,000,000	\$ 949,580	1.000	09/30/2024	
	FHLB	3/24/2022	\$ 1,000,000	\$ 1,000,000	\$ 956,140	2.000	03/24/2025	
	FHLB	4/22/2022	\$ 1,000,000	\$ 1,000,000	\$ 973,770	2.750	04/22/2025	
	FHLB	7/28/2022	\$ 1,000,000	\$ 1,000,000	\$ 990,860	4.050	07/28/2025	
	FHLB	12/31/2021	\$ 1,000,000	\$ 1,000,000	\$ 927,970	1.300	09/30/2025	
	FHLB	3/25/2022	\$ 1,000,000	\$ 1,000,000	\$ 961,960	2.600	03/25/2027	
	FHLB	5/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 976,040	3.150	05/26/2027	
	FHLB	5/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 976,080	3.750	05/26/2027	
BNY Mellon	Treasury Obligations	continuous	\$ 263,502	\$ 263,502	\$ 263,502	2.220	on call	110% collateral
Sub-total			\$ 12,002,502	\$ 12,002,502	\$ 11,642,637			
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	\$ 1	10036			
		Interest Fund	Fed Treas Obl	\$ 0	10037			
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			
PARS	OPEB Trust	Trust Cash	Investments	\$ 3,562,040	13050			
PARS	Retirement Trust	Trust Cash	Investments	\$ 1,247,155	13050			
Sub-total	Cash with Fiscal Agents			\$ 4,809,198				
Total other investments			\$ 12,002,502	\$ 16,811,700	\$ 11,642,637			
TOTAL INVESTMENTS & CASH BALANCES			\$ 31,892,197	\$ 36,701,395	\$ 31,532,332			

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 Dec 2016
Clay Holstine (2)	9/10/2008	200,000	\$ 200,000	Secured by other funds
Randy Breault	10/22/2001	320,000	\$ -	Paid off July 2022

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

Two year Treasury	3.45%	
Weighted Interest	1.59%	
Weighted maturity	1.19	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) 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.

Carolina Yuen
CITY TREASURER

File Attachments for Item:

J. Approve Co-Sponsorship Event for San Bruno Mountain Watch



CITY COUNCIL AGENDA REPORT

Meeting Date: 10/6/2022

From: Sara Nahass, Recreation Coordinator

Subject: Application for Event Cosponsorship

Community Goal/Result

Community Building

Purpose

Support local non-profit organizations.

Recommendation

Approve the 2022 San Bruno Mountain Watch conference as a co-sponsored event.

Background

San Bruno Mountain Watch's (SBMW) mission is to "preserve and protect the native ecosystems of San Bruno Mountain, in perpetuity". Their programs connect people to nature near where they live and help local communities learn about the importance of biodiversity as they nurture the landscapes of this unique place. San Bruno Mountain Watch emerged from the web of lively grassroots movements dedicated to protecting San Bruno Mountain. Today, they work to preserve open space through advocacy and partnerships with landowners and government officials from the surrounding cities and San Mateo County. Furthermore, the organization leads community-based stewardship programs that protect and care for the mountain's diverse habitats and they provide environmental education opportunities for students of all ages.

Discussion

SBMW is requesting use of the Mission Blue Center to host a book release, celebration, and fundraiser on Saturday, November 19th. The book is titled, The Natural History of the San Bruno Mountains, by Douglas Allshouse & David Nelson. This event will feature educational presentations & exhibits about the book and will reflect the cultural and natural history of San Bruno Mountain. There will also be book sales & signing in addition to food & beverages.

Fiscal Impact


The San Bruno Mountain Watch conference qualifies under the Group II category for recreation facilities indoor use permits. Meeting the Group II requirements of being a resident non-profit with their event open to the general public qualifies them for free use of the facility and waives the deposit requirement.

SBMW is requesting the City's support by allowing use of the Mission Blue Center and waiving the requirement of the club to provide insurance.

Attachments

1. Cosponsorship Event Application
2. ABC License Application


Sara Nahass, Recreation Coordinator


Clay Holstine, City Manager

CO-SPONSORSHIP EVENT APPLICATION

CITY OF BRISBANE, 50 Park Place, Brisbane, CA 94005
415 - 508 - 2140

1. ORGANIZATION INFORMATION

Organization: San Bruno Mountain Watch

Contact Person: Ariel Cherbowsky Corkidi

Day Phone: 415-467-6631

Evening Phone: _____

Address: 44 Visitacion Ave., Suite 206

City of Residence: Brisbane

Zip 94005

2. FACILITY

Facility Requested: Mission Blue Center

If Mission Blue Center, specify room (s)

Costanos Room (Dance Floor) ☒ _____

Buckeye Room (Carpeted Room): ☒ _____

Lupine Room (Conference Room): ☒ _____

Date and Time Requesting to Enter Facility:

Saturday, November 19th 1pm

Date and Time Requesting to Leave Facility:

Saturday, November 19th 9pm

3. Event Information

Date: 11/19/22 Day of Week: Saturday # of Co-sponsored events this year 0

Starting Time of Event : 4pm Ending Time of Event: 8pm

☒ Non Profit for Charity _____ For Profit _____ Fundraiser for Organization Use _____

☒ Number attending under 18 years old: 25 18 - 20 years: _____ 21+ years: 175

☒ Requesting Promotional Support

What is purpose of event: The event will be a celebration and fundraiser on the occasion of a book release. It will include educational presentations, book sales & signing, exhibits, and food/drinks.

The book, titled San Bruno Mountain: A Guide to the Flora and Fauna, by Douglas Allshouse and David Nelson, will be published in the Fall of 2022.

Will you need special sitting, tables, chairs, risers, etc.? Yes or No (please circle) Please explain if yes. _____

The tables and chairs that are already available at the Mission Blue Center will work well for us.

Chairs will be used to provide seating for the presentation room. Tables will hold hors d'oeuvres.

We will also use tables to hold educational materials like books, posters, fliers and more.

Will event require sound equipment? Yes Sound Technician? No

Will event require theatrical lighting equipment? No Lighting Technician? _____

Will event require promotional support? ☒ Yes _____ No _____ If Yes, what is requested? _____

We would be grateful if the City of Brisbane could help promote this event through social media, the monthly newsletter ("the STAR"), and the City Manager's Weekly Update ("The Blast").

5. ALCOHOLIC BEVERAGES*

Will alcoholic beverages be served? Yes ☒ No ☐ Sold? Yes ☒ No ☐

If selling alcohol, your group must obtain an Alcoholic Beverage Permit.

Please attach a copy of the permit.

ABC permits may be obtained from:

The State of California Alcoholic Beverage Control Department
185 Berry Street
San Francisco, CA 94107
415 / 557 - 3660

*Full Liquor Liability: If liquor, beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.

6. ADMISSION FEES AND SALES*

Will there be an admission fee or booth fee?:

Yes ☒ No ☐ Amount of Fee: \$75

Will there be sales of novelties or goods?:

Yes ☒ No ☐

Will there be sales of food?:

Yes ☐ No ☒

(If yes, a Permit To Operate is required by the California Health and Safety Code. Applications can be obtained from the Brisbane Parks & Recreation Department 415 / 467-6330)

Does your group have a City of Brisbane License?: Yes ☐ No ☒

We are exempt from the business license requirement as a 501(c)(3) nonprofit organization as noted in 5.12.040 of the Brisbane Municipal Code.

* Additional insurance is required for exhibitors, non-food sales concessionaires and food sales concessionaires.

I have read and understand the Policy and Procedures for Event Sponsorship and hereby agree to comply with its content. I understand that failure to observe these regulations or City, State or Federal law will result in cancellation of my event and co-sponsorship status for future events.

Applicant's Signature



Date

6/28/22

DAILY LICENSE APPLICATION

Complete all applicable items. Submit this application to your local ABC District Office with the required fee (Cashier's Check or Money Order) payable to ABC. Once the daily license is issued, fees cannot be refunded. Listing of ABC District Office is available at <https://www.abc.ca.gov/contact/district-offices/>. Please visit <https://www.abc.ca.gov/abc-221-instructions/> for further instructions.

ABC USE ONLY		
License #	Receipt #	Fee \$
Conditions Requested <input type="checkbox"/> Yes <input type="checkbox"/> No		Diagram Requested <input type="checkbox"/> Yes <input type="checkbox"/> No
License Type <input type="checkbox"/> B & W <input type="checkbox"/> General <input type="checkbox"/> Special		

SECTION 1. ORGANIZATION AND LICENSE TYPE INFORMATION

Organization Name San Bruno Mountain Watch	Tax ID 94-3235791
Organization Mailing Address PO Box 53, Brisbane, CA 94005	

LICENSE TYPE

<input type="checkbox"/> Special Daily Beer and Wine (\$50.00) <input type="checkbox"/> Amateur Sports Organization <input type="checkbox"/> Charitable <input type="checkbox"/> Civic <input type="checkbox"/> Cultural <input type="checkbox"/> Fraternal <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Social <input type="checkbox"/> Other:	<input checked="" type="checkbox"/> Daily General (\$75.00) <input type="checkbox"/> Political Party/Affiliate Supporting Candidate for Public Office or Ballot Measure <input checked="" type="checkbox"/> Organization Formed for Specific Charitable or Civic Purpose <input type="checkbox"/> Fraternal Organization in Existence over Five Years with Regular Membership <input type="checkbox"/> Religious Organization <input type="checkbox"/> Vessel per Section 24045.10 B&P (\$50.00)	<input type="checkbox"/> Special Temporary License (\$100.00) <input type="checkbox"/> Television Station per Section 24045.2 or 24045.9 B&P <input type="checkbox"/> Non-profit Corporation per Section 24045.4 and 24045.6 B&P <input type="checkbox"/> Person conducting Estate Wine Sale per Section 24045.8 B&P <input type="checkbox"/> Women's Educational and Charitable Organization per Section 24045.3 B&P <input type="checkbox"/> Other Special Temporary License Per Section: License #: Amount:
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SECTION 2. EVENT DETAILS

Event Dates November 19, 2022	Total # of Days 1	Hours of Alcoholic Beverage Sales, Service and/or consumption 4pm To 8pm	Virtual Event <i>Mark Yes, if the event is 100% virtual</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Event Address (Street #, name, and city) 475 Mission Blue Dr, Brisbane, CA 94005		Event Location Description (Jones Park, Pavilion A, etc.) Mission Blue Center	Location Within the City Limit <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Event Type <input type="checkbox"/> Barbeque <input type="checkbox"/> Dinner <input type="checkbox"/> Sporting Event <input type="checkbox"/> Birthday <input type="checkbox"/> Festival <input type="checkbox"/> Social Gathering <input type="checkbox"/> Concert <input type="checkbox"/> Lunch <input type="checkbox"/> Wedding <input type="checkbox"/> Carnival <input type="checkbox"/> Mixer <input checked="" type="checkbox"/> Other: Book Release <input type="checkbox"/> Dance <input type="checkbox"/> Picnic		Type of Entertainment Book Signing, Educational Presentations	Event Open to Public <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Estimated Attendance 200		Security Guard If Yes, how many <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Outdoor Event <input type="checkbox"/> Yes* <i>If Yes, a diagram of the event area is required</i> <input checked="" type="checkbox"/> No

REQUIRED

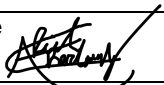
☒ By checking this box, you are certifying that you understand the requirements detailed in Business and Professions (B&P) Code Section 25682(c) which state that a nonprofit organization that has obtained a temporary daily license from the department must designate a person(s) to receive RBS training certification prior to the event, and that designated person(s) shall remain onsite for the duration of the event.

SECTION 3. CONTACT INFORMATION

Contact Person Ariel Cherbowsky Corkidi	Phone Number 415-467-6631	Email Address ariel@mountainwatch.org
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SECTION 4. SIGNATURES AND APPROVALS

I attest that I am authorized by the organization named above to make this application on its behalf.

Organization's Authorized Representative Name Ariel Cherbowsky Corkidi	Phone Number 415-467-6631	Signature 	Date Signed 06/29/2022
Property Owner Approval By (Name) Required	Phone Number	Signature	Date Signed
Law Enforcement Approval By (Name), If applicable	Phone Number	Signature	Date Signed
District Office Approval By (Name)	Phone Number	ABC Employee Signature	Issuance Date

The above named organization is hereby licensed, pursuant to the California B&P Code Division 9 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the abovenamed location for the period authorized above. B&P Code Section 25682(c) requires that a designated RBS-trained person(s) shall remain on site for the duration of the event. Failure to comply with this requirement will result in immediate cancellation of the permit. **This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.**

File Attachments for Item:

K. Approve Co-Sponsorship Event Excelsior Running Club



CITY COUNCIL AGENDA REPORT

Meeting Date: October 6, 2022

From: Noreen Leek, Parks & Recreation Director

Subject: Application for Event Cosponsorship

Community Goal/Result

Community Building

Purpose

Offer the community a regional sporting event as both spectators and participants. Encourage local nonprofit organization participation in the event as a fundraiser.

Recommendation

Approve Excelsior Running Club's fourth annual Star City San Bruno Mountain Half Marathon as a cosponsored event.

Background

The Excelsior Running Club has received a permit from the County to use San Bruno Mountain trails for the majority of its Star City San Bruno Mountain Half Marathon (course map and written description attached) on October 22, 2022. The run will begin on Visitacion Avenue at 9:00am. It is anticipated that the fastest runners should be done by 10:30am and last of the runners will be done by approximately 1:00pm.

Discussion

The City will need to partially close a number of streets at the beginning of the event. These include all of Visitacion Avenue from San Francisco to Mariposa (8:45am-9:15am), then the westbound lane only to Mendocino, Mendocino from Visitacion Avenue to Solano (8:45am-9:15am), from the top of the stairway at Humboldt turning left to San Mateo, then right on San Mateo, then left on Kings, right on Margaret, and right on Paul to the trailhead (9:00am-9:30am). The registration will take place on Old Quarry Road which should avoid the need to close any streets for the registration portion of the event.

The Club is requesting support from the Public Works Department to place the American Flags along Visitacion Avenue before the start of the race, and for "No Parking" signs to be placed on Huckleberry. The Club is also requesting to borrow tables and chairs from the P&R department.

The staffing needs of the City are for one public works person to oversee the set-up of the lane closures, set-up American Flags, and then oversee taking down the lane closures and removing the American Flags. This will be approximately 4 hours. We will need 2 police officers from 7:00am when the set-up starts until 10:00am when the traffic lanes are reopened.

The City will also need to inform the community of the street closures and the impact the event will have on travel within the community. It would be prudent to advertise to the whole City and not just those who are along the race route. We will publish this information on a various social media sites.

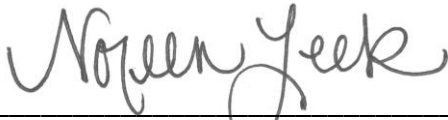
Fiscal Impact

The cost to the City for the cosponsorship would be 1 Public Works staff person for 4 hours (\$52.50/hour) on overtime, and 2 police officers for 3 hours on overtime (\$81.56/hour). The total cost to the City would be \$699.36 in overtime costs.

If this event grows as the club anticipates, future costs may increase, and the City may elect to negotiate with the Club to increase the level of reimbursement.

Attachments

1. Cosponsorship event application
2. Event Flyer
3. Course Map & written description – street monitoring
4. Insurance certificate



Noreen Leek, Parks & Recreation Director



Clay Holstine, City Manager

CO-SPONSORSHIP EVENT APPLICATION

CITY OF BRISBANE, 50 Park Place, Brisbane, CA 94005
415 - 657-4320

1. ORGANIZATION INFORMATION

Organization: Excelsior Running Club

Contact Person: Cliff Lentz

Day Phone: 650-219-0293

Evening Phone: 415-467-7041

Address: 611 Humboldt Rd

City of Residence: Brisbane

Zip: 94005

2. FACILITY

Facility Requested: _____

If Mission Blue Center, specify room (s)

Costanos Room (Dance Floor) _____

Buckeye Room (Carpeted Room): _____

Lupine Room (Conference Room): _____

Date and Time Requesting to Enter Facility: _____

Date and Time Requesting to Leave Facility: _____

3. Event Information

Date: Oct 22 Day of Week: Sat # of Co-sponsored events this year 0

Starting Time of Event: 9 AM Ending Time of Event: 1 PM

☒ Non Profit for Charity ☐ For Profit ☒ Fundraiser for Organization Use

0 Number attending under 18 years old: 0 18 - 20 years: ? 21+ years: 80

Yes Requesting Promotional Support

What is purpose of event: Half marathon through the streets of Brisbane and San Bruno Mt.

Will you need special sitting, tables, chairs, risers, etc.? Yes or No (please circle) Please explain if yes. _____

Will event require sound equipment? no

Sound Technician? no

Will event require theatrical lighting equipment? no

Lighting Technician? no

Will event require promotional support? ☒ Yes

☐ No

If Yes, what is requested? City

publications and social media

5. **ALCOHOLIC BEVERAGES***Will alcoholic beverages be served? Yes • ☒ No ☒ Sold? Yes ☒ No ☒

If selling alcohol, your group must obtain an Alcoholic Beverage Permit.

Please attach a copy of the permit.

ABC permits may be obtained from:

The State of California Alcoholic Beverage Control Department

185 Berry Street

San Francisco, CA 94107

415 / 557 - 3660

*Full Liquor Liability: If liquor, beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.

6. **ADMISSION FEES AND SALES***

Will there be an admission fee or booth fee?:

☒ Yes ☒ NoAmount of Fee: \$70 - \$110

Will there be sales of novelties or goods?:

Yes ☒☒ No ☒

Will there be sales of food?:

☒ Yes ☒☒ No ☒

(If yes, a Permit To Operate is required by the California Health and Safety Code. Applications can be obtained from the Brisbane Parks & Recreation Department 415 / 467-6330)

Does your group have a City of Brisbane License?: Yes ☒ No ☒

* Additional insurance is required for exhibitors, non-food sales concessionaires and food sales concessionaires.

I have read and understand the Policy and Procedures for Event Sponsorship and hereby agree to comply with its content. I understand that failure to observe these regulations or City, State or Federal law will result in cancellation of my event and co-sponsorship status for future events.

Applicant's Signature



Date

9/18/22

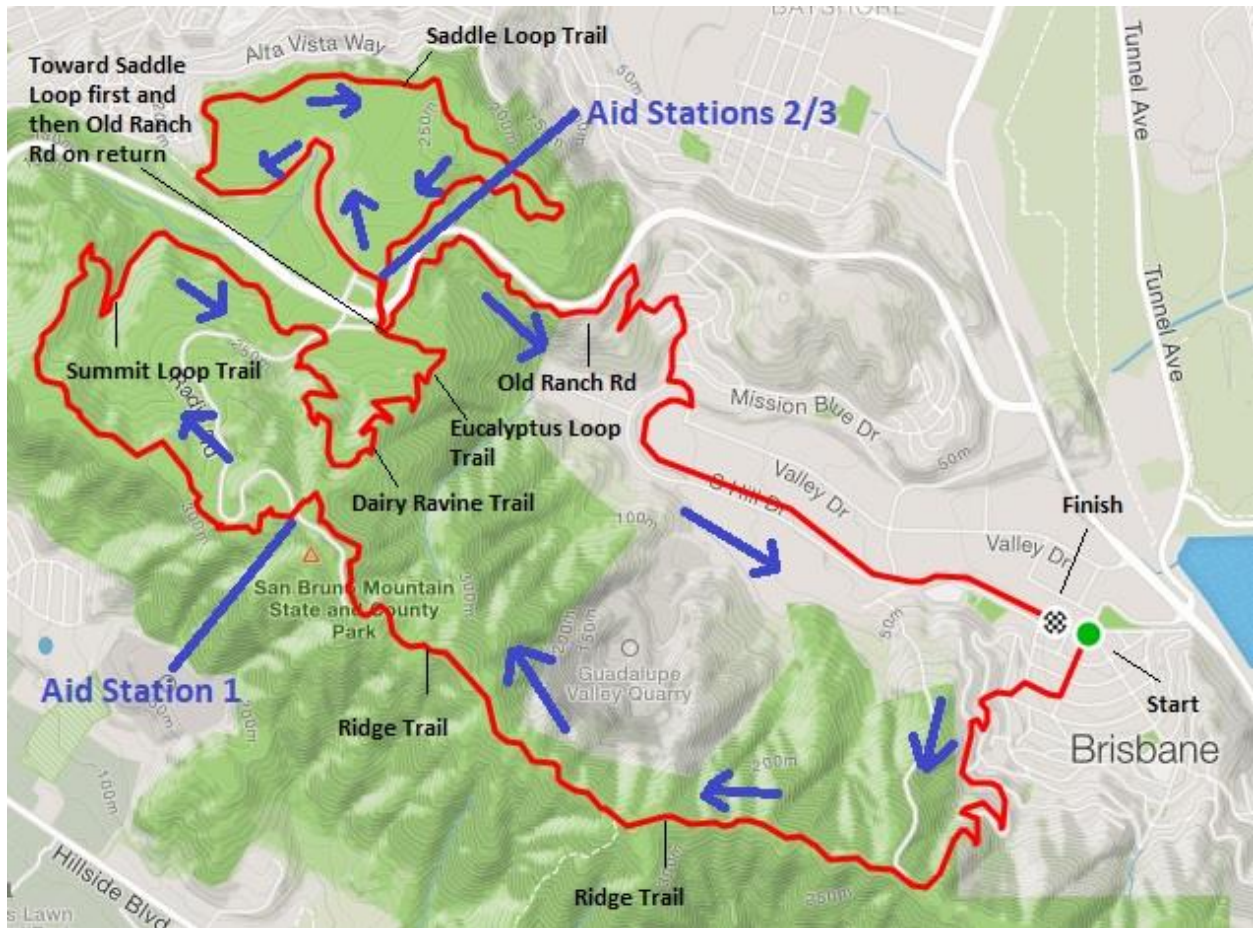
STAR CITY SAN BRUNO MTN. HALF MARATHON SATURDAY, OCTOBER 22ND, 9AM

REGISTER: STARCITYHALFMARATHON.WORDPRESS.COM



Registration includes a t-shirt, finishers medal, and a BBQ lunch in the Brisbane Community Park! Proceeds help fund the Brisbane Lions Scholarship Fund, San Mateo County Parks, and the El Camino High School Cross Country Team!





2022 Star City San Bruno Mountain Half Marathon

Additional Requests:

1. Place American flags on Visitacion Ave
2. No parking signs for October 22nd from 6AM-3PM in front of both stairway entrances at Huckleberry Ct.
3. Borrow 6 tables, 12 chairs from P&R for race registration near Quarry Park.

Street Monitoring

- Race Central opens at 7:00 AM at open area below Quarry Road
- Course Monitor Captains (TBD) to get cones, flags and safety vests for volunteers.
- Lay out cones on right side of Mendocino, Humboldt, Kings at 7:30 AM.
- Lay out cones on right side of Mariposa, Solano and road to Lipman, next to Lipman, walkway down to Quarry Rd and over to ramp.
- At 8:30 AM take volunteers to half marathon and 5K course monitoring locations, laying out cones on right side of Visitacion from Mariposa.

o 7 Flaggers at half marathon locations: Visitacion and Mariposa, Visitacion and Mendocino, Mendocino and Solano, Sierra Pt at stairway, Humboldt at stairway, Trinity and Kings, Kings and Margaret.

- Half Marathon starts at 9:00 AM. Just prior to the start, cones will be laid down on Visitacion, angled to the right side of the street and the line of cones starting at Mariposa.

- After last half marathon runner turns on to stairway, cones will be removed on Mendocino and Solano. Course monitor at stairway will walk to Solano and Mariposa.

- Around 9:30 AM, dispatch course monitor volunteers to the Ridge

o 4 Flaggers at the following locations: roadway crossing at Huckleberry stairway, top of stairway at Golden Aster, sidewalk on Golden Aster at trail, Old Ranch Road Trail and utility road junction

- Approximately at 2 PM, the last half marathon runner should be on the Crocker Park Trail and heading towards the finish line.

- Once the last half marathon racer has been determined, course monitors will be relieved of duties when that runners passes their location. The course monitors will take away ribbons and cones in their area.

At the link, you will find a map and written description of both race courses: <https://starcityhalfmarathon.wordpress.com/course/>

For questions, please contact Cliff Lentz 650-219-0291 or Chikara Omine 415-269-1022.

K.	CERTIFICATE OF INSURANCE	PRINT DATE: 6/29/2022 CERTIFICATE NUMBER: 20220629899203			
AGENCY:					
Edgewood Partners Insurance Center 5909 Peachtree Dunwoody Road, Suite 800 Atlanta, GA 30328 678-324-3300 (Phone), 678-324-3303 (Fax)		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.			
NAMED INSURED:		INSURERS AFFORDING COVERAGE:			
USA Track & Field, Inc. Excelsior Running Club 130 East Washington Street, Suite 800 Indianapolis IN 46204		INSURER A: Accredited Surety and Casualty Company, Inc. NAIC# 26379 INSURER B: Allied World National Assurance Company NAIC# 19489			
EVENT INFORMATION:					
Star City San Bruno Mountain Half Marathon and 5K (10/23/2022 - 10/23/2022)					
POLICY/COVERAGE INFORMATION:					
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.					
INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TPM-IN-17-01268997	11/1/2021 12:01 AM	11/1/2022 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
	<input checked="" type="checkbox"/> Participant Legal Liability				EACH OCCURRENCE \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TPM-IN-17-01268998	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	<input checked="" type="checkbox"/> EXCESS LIABILITY	0313-1301	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:					
Coverage applies to USA Track & Field sanctioned events and registered practices, including any directly related activities, such as event set-up and tear-down, participant check-in and award ceremonies. The certificate holder is an additional insured per the following endorsement: Blanket Additional Insured (RSCG 03 03) The General Liability policy is primary and non-contributory with respect to the negligence of the Named Insureds (Form CG 20 01) The General Liability policy contains a blanket Waiver of Subrogation as required by contract per Waiver of Transfer of Rights of Recovery Against Others (Form CG 24 04). Excess policy follows form of underlying General Liability.					
CERTIFICATE HOLDER:				NOTICE OF CANCELLATION:	
City of Brisbane 50 Park Place Brisbane CA 94005				Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.	
				AUTHORIZED REPRESENTATIVE:	
					

File Attachments for Item:

L. Approve Co-Sponsorship Event for Brisbane Chamber of Commerce



CITY COUNCIL AGENDA REPORT

Meeting Date: 10/6/2022

From: Noreen Leek, Parks & Recreation Director

Subject: Application for Event Cosponsorship

Community Goal/Result

Community Building

Purpose

Support local non-profit organizations.

Recommendation

Approve the 2022 Chamber Presents fundraiser as a co-sponsored event.

Background

The Brisbane Chamber of Commerce is non-profit 501(c)(6) organization created through a partnership of businesses, civic leaders, and residents working together to enhance Brisbane's economic landscape. Their members include businesses of all sizes, in a myriad of sectors. From sole proprietorships to Fortune 500 companies, the Chamber works collaboratively with businesses to help increase their visibility in the community, connect them with vital resources, and advocate for their interests at the local, regional, and state levels. The Chamber organizes mixers, grand opening ribbon-cutting ceremonies, produces Brisbane's only business and community journal, provides college scholarships, and coordinates a job-shadowing program for students. The Chamber Board includes senior executives from a cross section of companies.

Discussion

The Chamber is looking to host a cabaret show, "Chamber Presents", on November 12th for the community with proceeds benefitting the Chamber's scholarship fund. If successful, the Chamber may propose offering a series of events/performances similar to the former "Live at Mission Blue" series. This would assist the Chamber with celebrating their upcoming Diamond Jubilee and allow them to utilize future funds raised to support other local non-profits.

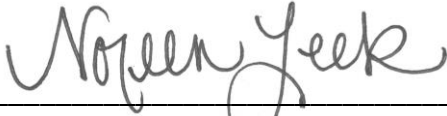
Fiscal Impact

The Chamber of Commerce qualifies under the Group II category for recreation facilities indoor use permits. Meeting the Group II requirements of being a resident non-profit with their event open to the general public qualifies them for free use of the facility and waives the deposit requirement.

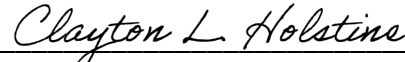
The Chamber is requesting the City's support by allowing use of the Mission Blue Center and waiving the requirement to provide insurance.

Attachments

1. Cosponsorship Event Application



Noreen Leek, Parks & Recreation Director



Clay Holstine, City Manager

CO-SPONSORSHIP EVENT APPLICATION

CITY OF BRISBANE, 50 Park Place, Brisbane, CA 94005
415 - 657-4320

1. ORGANIZATION INFORMATION

Organization: Brisbane Chamber of Commerce

Contact Person: Madison

Day Phone: 415-706-5276

Evening Phone: 415-706-5276

Address: 50 Park Place, Brisbane CA 94005

City of Residence: Brisbane

Zip 94005

2. FACILITY

Facility Requested: Mission Blue Center

If Mission Blue Center, specify room (s)

Costanos Room (Dance Floor) X

Buckeye Room (Carpeted Room): X

Lupine Room (Conference Room): X

Date and Time Requesting to Enter Facility:

11/12/22 at 1 pm

Date and Time Requesting to Leave Facility:

11/12/22 at 10:30 PM

3. Event Information

Date: 11/12/22 Day of Week: Saturday # of Co-sponsored events this year 0

Starting Time of Event : 7 PM Ending Time of Event: 9/9:30 pm

X Non Profit for Charity For Profit X Fundraiser for Organization Use

 Number attending under 18 years old: 18 - 20 years: 21+ years: 100

 Requesting Promotional Support

What is purpose of event: The Chamber is looking to host a Cabaret show for the community with proceeds
benefitting our organization. If the event is a success, we would like to have a series
of shows similar to "Live at Mission Blue" to celebrate the Chamber's upcoming
Diamond Jubilee and to hopefully use future events to benefit not only the Chamber,
but other non-profits

Will you need special sitting, tables, chairs, risers, etc.? Yes or No (please circle) Please explain if yes.

Likely just chairs. We plan to provide our own tables

Will event require sound equipment? Yes (we will provide)

Sound Technician? Yes (we will provide)

Will event require theatrical lighting equipment? Yes (we will provide)

Lighting Technician? Yes (we will provide)

Will event require promotional support? Yes Yes No If Yes, what is requested?

Sharing Flyer and posting to sign board

5. ALCOHOLIC BEVERAGES*

Will alcoholic beverages be served? Yes ☒ No ☐ Sold? Yes ☒ No ☐

If selling alcohol, your group must obtain an Alcoholic Beverage Permit.

Please attach a copy of the permit.

ABC permits may be obtained from:

The State of California Alcoholic Beverage Control Department
185 Berry Street
San Francisco, CA 94107
415 / 557 - 3660

*Full Liquor Liability: If liquor, beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.

6. ADMISSION FEES AND SALES*

Will there be an admission fee or booth fee?: Yes ☒ No ☐ Amount of Fee: TBD

Will there be sales of novelties or goods?: Yes ☐ No ☒

Will there be sales of food?: Yes ☐ No ☒

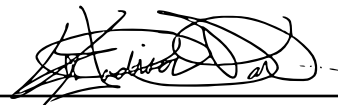
(If yes, a Permit To Operate is required by the California Health and Safety Code. Applications can be obtained from the Brisbane Parks & Recreation Department 415 / 467-6330)

Does your group have a City of Brisbane License?: Yes ☒ No ☐

* Additional insurance is required for exhibitors, non-food sales concessionaires and food sales concessionaires.

I have read and understand the Policy and Procedures for Event Sponsorship and hereby agree to comply with its content. I understand that failure to observe these regulations or City, State or Federal law will result in cancellation of my event and co-sponsorship status for future events.

Applicant's Signature



Date

9/14/22

File Attachments for Item:

M. Approve Co-Sponsorship Event for Brisbane Dance Workshop



CITY COUNCIL AGENDA REPORT

Meeting Date: 10/6/2022

From: Sara Nahass, Recreation Coordinator

Subject: Application for event co-sponsorship

Community Goal/Result

Community Building

Purpose

Promote cultural and social events that encourage community engagement and provide assistance to local non-profit organizations.

Recommendation

Approve the 2022 BDW Holiday Arts and Crafts Fair Fundraiser as a co-sponsored event.

Background

Founded in 1982, Brisbane Dance Workshop (BDW) is a non-profit organization established to provide creative and skill based performing arts learning to children 3 and older. BDW embraces a real challenge in teaching dance: to preserve the innocence, playfulness and creativity in a child while developing the more demanding technical and aesthetic aspect of the performing arts. BDW has staged over thirty original performances involving children and adults and offers a wide range of classes such as: Ballet, Modern, Hip Hop, Composition, Creative Movement, Irish, Acting, Voice, and Improvisation. BDW offers scholarships to students who participate in BDW classes as well as scholarships for students who have a proven record of dedication and wish to expand their learning experience outside Brisbane.

Discussion

BDW strives to create holiday cheer for all by hosting their annual Arts & Crafts Fair at the Mission Blue Center. They coordinate over 30 artists & makers to host booths to sell their handmade items and provide live music throughout the day for eventgoers. They also operate a concession stand and photo studio for Santa photos. This event is open to people of all ages and helps to support the mission of the Brisbane Dance Workshop. They kindly request continued support from the City for the compensated use of Mission Blue, waiver of insurance requirement, facility staff time, and assistance promoting the event to the community.

Fiscal Impact

The BDW Arts & Crafts Fair qualifies under the Group II category for recreation facilities indoor use permits. Meeting the Group II requirements of being a resident non-profit with their event

open to the general public qualifies them for free use of the facility and waives the deposit requirement. BDW is asking for the additional waiver of the insurance requirement and facility attendant staff time.

Measure of Success

Support from the City results in a successful event by the organization.

Attachments

1. Co-sponsorship Application
2. Reservation Permit
3. Event Flyer


Sara Nahass, Recreation Coordinator


Clay Holstine, City Manager

CO-SPONSORSHIP EVENT APPLICATION

CITY OF BRISBANE, 50 Park Place, Brisbane, CA 94005
415 - 508 - 2840

1. ORGANIZATION INFORMATION

Organization: Brisbane Dance Workshop

Contact Person: Gamille / Theresa

Day Phone: 650-576-7126

Evening Phone: " " "

Address: 325 San Bruno

City of Residence: Brisbane

Zip 94005

2. FACILITY

Facility Requested: Mission Blue

If Mission Blue Center, specify room (s)

Costanos Room (Dance Floor) ☒

Buckeye Room (Carpeted Room): ☒

Lupine Room (Conference Room): ☒

Date and Time Requesting to Enter Facility:

Fri 12/9/22 5pm - 8pm / Saturday 12/10/22

Date and Time Requesting to Leave Facility:

Fri 12/9/22 8pm Sat. 12/10/22 6pm

3. Event Information

Date: 12/9 & 12/10/22 Day of Week: FRI-SAT. # of Co-sponsored events this year 2

Starting Time of Event: 12/9 @ 5pm 12/10 7AM Ending Time of Event: 12/9 - 8pm 12/10 - 6pm

Non Profit for Charity ☐ For Profit ☒ Fundraiser for Organization Use

hopefully 50 Number attending under 18 years old: 70 18 - 20 years: 70 21+ years: 200

Requesting Promotional Support

What is purpose of event: Annual BDN-Fundraiser- CRAFTS Fair

Will you need special sitting, tables, chairs, risers, etc.? Yes or No (please circle) Please explain if yes.

All tables - some chairs -

Will event require sound equipment? yes

Sound Technician? NO

Will event require theatrical lighting equipment? NO

Lighting Technician? NO

Will event require promotional support? ☒ Yes

No

If Yes, what is requested?

Sign boards and city publications

5. ALCOHOLIC BEVERAGES*

Will alcoholic beverages be served? Yes ☐ No ☒ Sold? Yes ☐ No ☒

If selling alcohol, your group must obtain an Alcoholic Beverage Permit.

Please attach a copy of the permit.

ABC permits may be obtained from:

The State of California Alcoholic Beverage Control Department

185 Berry Street

San Francisco, CA 94107

415 / 557 - 3660

*Full Liquor Liability: If liquor, beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.

6. ADMISSION FEES AND SALES*

Will there be an admission fee or booth fee?:

Yes ☒ No ☐

Amount of Fee: 75⁰⁰ - 125⁰⁰

Will there be sales of novelties or goods?:

Yes ☐ No ☐

Will there be sales of food?:

Yes ☒ No ☐

(If yes, a Permit To Operate is required by the California Health and Safety Code. Applications can be obtained from the Brisbane Parks & Recreation Department 415 / 467-6330)

Does your group have a City of Brisbane License?: Yes ☒ No ☐

* Additional insurance is required for exhibitors, non-food sales concessionaires and food sales concessionaires.

I have read and understand the Policy and Procedures for Event Sponsorship and hereby agree to comply with its content. I understand that failure to observe these regulations or City, State or Federal law will result in cancellation of my event and co-sponsorship status for future events.

Applicant's Signature

Camille Phoxor-Salmon

Date

3/7/22

OFFICE USE ONLY

Received By: _____

Date: _____

Date Approved: _____

Title: _____

Copies: _____

Custodian - Date: _____

Police - Date: _____

Fire - Date: _____

Is any group being displaced? _____
If so, which group? _____

of Co-sponsored events this calendar year? _____

Promotional Support? Yes ☐ No ☐ Waived ☐Additional Lighting: Yes ☐ No ☐ Waived ☐Lighting Technician: Yes ☐ No ☐ Waived ☐Additional Sound: Yes ☐ No ☐ Waived ☐Sound Technician: Yes ☐ No ☐ Waived ☐

Facility Use Charge -

80/20 Split Yes ☐ Waived ☐Other fee? Yes ☐ Waived ☐Charge for Staffing cost for extended use of facility Yes ☐ Waived ☐

Deposit: Amount: \$ _____

Yes ☐ Date Paid: _____ Waived ☐

Ck # / M.O. # / Cash: _____

Event Insurance: By City ☐ By Event Organizer ☐

City: Cert #: _____

Date Issued: _____

Amount: \$ _____

Date Paid: _____

Ck#/M.O.#/Cash: _____

If selling alcohol additional insurance purchased?

By City ☐ By Event Organizer ☐

Alcoholic Beverage Permit obtained?

Yes # _____ No

Business License

Yes # _____ No

County Health Permit:

Yes ☐ # _____ No ☐

5.26.2010



City of Brisbane
Parks and Recreation Department
50 Park Place
Brisbane, CA 94005

PHONE:(415) 508-2140
FAX:(415) 467-4989
EMAIL:parks&rec@brisbaneca.org

Permit # R2861
Status Approved
Date Feb 18, 2022 12:55 PM

City of Brisbane Rental Guidelines and Regulations

- Facility users may not charge a registration fee, admission fee, or entrance fee of any kind. No solicitations or sales presentations may be made on City property. Permission to hold a fundraiser is limited to non- profit organizations at the discretion of the Parks and Recreation Department.
- Applicant must be on site and available at all times during the event.
- Completion of application does not guarantee a reservation. Please allow 1 week for review/processing. Invitations should not be sent out until permit and receipt are received.
- If the nature of the event or number of participants changes, the Department must be notified at least one week prior to scheduled use. If necessary, additional fees/deposits will be charged according to applicable rates. The Department reserves the right to deny any requested changes
- It is the renter's responsibility to remove all excess trash that does not fit in the provided receptacles.
- The City of Brisbane reserves the right to reschedule, relocate, or deny a request previously approved in the event of an emergency, or if the facility is needed for City use or maintenance. The applicant will be given as much advance notice as possible in this instance.

Company Name Brisbane Dance Workshop - 14
Customer Type Non-Profit: Resident
Company Address BDW
Brisbane, CA 94005

Agent Name Camille Salmon

Secondary Phone Number ~~(415) 551-7892~~ 415-467-6698
Primary Phone Number ~~(415) 467-6698~~ 650-576-7126
Text Alert Phone Number (650) 576-1726
Email Address ~~camosal@cbaglobal.net~~ camosal51@yahoo.com

System User Sara Nahass

Rental Fee	\$0.00
Discounts	\$0.00
Subtotal	\$0.00
Deposits	\$0.00
Deposit Discounts	\$0.00
Total Permit Fee	\$0.00
Total Payment	\$0.00
Refunds	\$0.00
Balance	\$0.00

BDW Craft Fair

1 resource(s) 1 booking(s) **Subtotal: \$0.00**

Booking Summary

Mission Blue Center (Entire Facility) (City Sponsored Events)

Center: Mission Blue Center

START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Dec 9, 2022 12:00 PM	Dec 10, 2022 10:00 PM	1	\$0.00

QUESTION	ANSWER
Please indicate number attending: under 18 years old / 18-20 years old / 21 and over.	0/25/0
Will alcoholic beverages be served?	No
Will alcoholic beverages be sold?	No
Will the applicant be the contact on the day of the event?	Yes

X:

Date:

Brisbane Dance Workshop

Customer Type: Non-Profit: Resident

Customer ID: 32229

Mailing Address: BDW, Brisbane, CA
94005

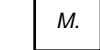
Authorized Agent Name: Camille Salmon

Secondary Phone Number: (415) 551-7990

Primary Phone Number: (415) 467-6698

Text Alert Phone Number: (650) 576-1726

Email Address: camosal@sbcglobal.net



City of Brisbane
Parks and Recreation Department
50 Park Place
Brisbane, CA 94005

PHONE:(415) 508-2140
FAX:(415) 467-4989
EMAIL:parks&rec@brisbaneca.org

Permit # R2861

Status Approved
Date Feb 18, 2022 12:55 PM

City of Brisbane Rental Guidelines and Regulations

- Facility users may not charge a registration fee, admission fee, or entrance fee of any kind. No solicitations or sales presentations may be made on City property. Permission to hold a fundraiser is limited to non- profit organizations at the discretion of the Parks and Recreation Department.
- Applicant must be on site and available at all times during the event.
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- If the nature of the event or number of participants changes, the Department must be notified at least one week prior to scheduled use. If necessary, additional fees/deposits will be charged according to applicable rates. The Department reserves the right to deny any requested changes
- It is the renter's responsibility to remove all excess trash that does not fit in the provided receptacles.
- The City of Brisbane reserves the right to reschedule, relocate, or deny a request previously approved in the event of an emergency, or if the facility is needed for City use or maintenance. The applicant will be given as much advance notice as possible in this instance.

Company Name Brisbane Dance Workshop - 14
Customer Type Non-Profit: Resident
Company Address BDW
Brisbane, CA 94005

Agent Name Camille Salmon

Secondary Phone Number (415) 551-7990

Primary Phone Number (415) 467-6698

Text Alert Phone Number (650) 576-1726

Email Address camosal@sbcglobal.net

System User Sara Nahass

Rental Fee	\$0.00
Discounts	\$0.00
Subtotal	\$0.00
Deposits	\$0.00
Deposit Discounts	\$0.00
Total Permit Fee	\$0.00
Total Payment	\$0.00
Refunds	\$0.00
Balance	\$0.00

BDW Craft Fair

1 resource(s) 1 booking(s) **Subtotal: \$0.00**

Booking Summary

Mission Blue Center (Entire Facility) (City Sponsored Events)

Center: Mission Blue Center

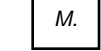
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Dec 9, 2022 12:00 PM	Dec 10, 2022 10:00 PM	1	\$0.00

QUESTION	ANSWER
Please indicate number attending: under 18 years old / 18-20 years old / 21 and over.	0/25/0
Will alcoholic beverages be served?	No
Will alcoholic beverages be sold?	No
Will the applicant be the contact on the day of the event?	Yes

X: _____

Date: _____

Brisbane Dance Workshop
Customer Type: Non-Profit: Resident
Customer ID: 32229
Mailing Address: BDW, Brisbane, CA
94005
Authorized Agent Name: Camille Salmon
Secondary Phone Number: (415) 551-7990
Primary Phone Number: (415) 467-6698
Text Alert Phone Number: (650) 576-1726
Email Address: camosal@sbcglobal.net



City of Brisbane
Parks and Recreation Department
50 Park Place
Brisbane, CA 94005

PHONE:(415) 508-2140
FAX:(415) 467-4989
EMAIL:parks&rec@brisbaneca.org

Permit # R3026
Status Approved
Date May 12, 2022 3:24 PM

City of Brisbane Rental Guidelines and Regulations

- Facility users may not charge a registration fee, admission fee, or entrance fee of any kind. No solicitations or sales presentations may be made on City property. Permission to hold a fundraiser is limited to non- profit organizations at the discretion of the Parks and Recreation Department.
- Applicant must be on site and available at all times during the event.
- Completion of application does not guarantee a reservation. Please allow 1 week for review/processing. Invitations should not be sent out until permit and receipt are received.
- If the nature of the event or number of participants changes, the Department must be notified at least one week prior to scheduled use. If necessary, additional fees/deposits will be charged according to applicable rates. The Department reserves the right to deny any requested changes
- It is the renter's responsibility to remove all excess trash that does not fit in the provided receptacles.
- The City of Brisbane reserves the right to reschedule, relocate, or deny a request previously approved in the event of an emergency, or if the facility is needed for City use or maintenance. The applicant will be given as much advance notice as possible in this instance.

Company Name San Bruno Mountain Watch - 61
Customer Type Non-Profit: Resident
Company Address 44 Visitacion
Brisbane, CA 94005

Agent Name Michele Salmon

Secondary Phone Number (415) 377-0689
Primary Phone Number (415) 377-0689
Email Address mmsalmon@aol.com

System User Sara Nahass

Rental Fee	\$0.00
Discounts	\$0.00
Subtotal	\$0.00
Deposits	\$0.00
Deposit Discounts	\$0.00
Total Permit Fee	\$0.00
Total Payment	\$0.00
Refunds	\$0.00
Balance	\$0.00

SBMC Hold

1 resource(s) 1 booking(s) **Subtotal: \$0.00**

Booking Summary

Mission Blue Center (Entire Facility) (City Sponsored Events)

Center: Mission Blue Center

START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Nov 19, 2022 8:00 AM	Nov 19, 2022 11:00 PM	1	\$0.00

QUESTION	ANSWER
Please indicate number attending: under 18 years old / 18-20 years old / 21 and over.	0/0/200
Will alcoholic beverages be served?	No
Will alcoholic beverages be sold?	No
Will the applicant be the contact on the day of the event?	Yes

X: _____

Date: _____

San Bruno Mountain Watch
Customer Type: Non-Profit: Resident
Customer ID: 39266
Mailing Address: 44 Visitacion, Brisbane, CA
94005
Authorized Agent Name: Michele Salmon
Secondary Phone Number: (415) 377-0689
Primary Phone Number: (415) 377-0689
Email Address: mmsalmon@aol.com



BDW'S TWELFTH ANNUAL

Holiday Arts & Crafts Fair

Saturday • December 10 • 11am-4pm

Featuring a huge assortment of wonderful handmade items by over 30 local artists and craftspersons.

Check our FB page for full event/artist details:
www.facebook.com/BDWholidayFair

MISSION BLUE CENTER
475 Mission Blue Drive • Brisbane

Just south of SF on 101 – near the Cow Palace
and (what was) Candlestick Park. Easy access also over
Guadalupe Canyon Road from Daly City.

*Free admission and parking!
We will be following all
city/county Covid mandates.*

File Attachments for Item:

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



CITY COUNCIL AGENDA REPORT

Meeting Date: October 6, 2022

From: Clay Holstine, City Manager

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

COMMUNITY GOAL RESULTS

Safe Community

Ensuring Public Meetings Remain Open to the Public

RECOMMENDATION

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

BACKGROUND

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

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

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

Monthly since September 2021, the City Council has determined that the requirements of AB 361 have been met, namely, the declared state of emergency proclaimed by the state (as well as one by the City) remains in place; state and local health officials continue to recommend that residents observe social distancing and take other protective measures, including that masks to be worn on public transportation and in certain government buildings, and recommending masks be worn in confined spaces open to the public; and that there is a need to hold public meetings remotely due to imminent risks to the health and safety of attendees. The Council therefore has adopted Resolutions directing that the City continue to conduct public meetings normally scheduled for City Hall via Zoom to protect the health and safety of the public.

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

City Council last made the necessary findings on September 15, 2022 to extend meeting remotely for 30 days. Hence, there is a need to place this item on the Council's October 6 meeting agenda so that Council may consider whether to have it and the Commissions and Committees continue to meet remotely for an additional 30 days.

DISCUSSION

The state of emergency issued by the Governor remains in place. San Mateo County's Health Officials have provided guidance to prevent the spread of COVID and keep people safe and have incorporated the Center for Disease Control's recommendations in that regard, e.g., social distancing is recommended for indoor public meetings where unvaccinated individuals may be present, especially for those who are at a higher risk of getting very sick from COVID. In addition, persons with health conditions may want to attend City Council meetings but would put themselves at risk of becoming ill if they had to attend in person. Therefore, the requirements to allow public meetings to be conducted remotely continue: there is a declared state of emergency; health officials have imposed measures to prevent the spread of the virus and to promote social distancing; and there continues to be a need to hold public meetings remotely due to imminent risks to the health and safety if Council meetings were not conducted remotely.

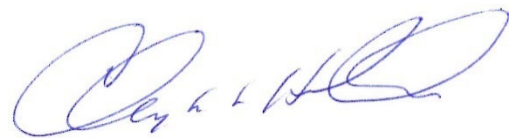
ACTION

Staff recommends that the City Council adopt the attached Resolution making the findings required under AB 361, to require the public meetings of the City Council, Commissions and Committees normally scheduled for City Hall through November 4, 2022 be held remotely or in a hybrid fashion to protect the health and safety of the public.

FISCAL IMPACT

There is no fiscal impact.

Attachment: 1. Resolution 2022-XX



Clay Holstine, City Manager

RESOLUTION NO. 2022-XX

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Council of the City of Brisbane has adopted Resolutions in 2021

and 2022 declaring the need for the City Council, Committees, and Commissions to continue to meet remotely in order to ensure the health and safety of the public; and

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

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

1. In compliance with AB 361, the City Council has reviewed and makes the following findings:
 - a. The State, San Mateo County and the City have each proclaimed a state of emergency due to the Coronavirus pandemic;
 - b. San Mateo County has issued a public health order requiring that individuals in many public spaces wear masks and socially distance and recommending that individuals in enclosed public spaces wear masks, but the City cannot maintain social distancing for the public, staff, councilmembers, commissioners, and committee members in its meeting spaces; and
 - c. The City Council has considered these circumstances and concludes that the City Council, City Commissions and City Committees must meet remotely due to imminent risks to the health and safety of attendees if the Council, Commissions or Committees were to meet in City facilities.
2. Based on the foregoing, the City Council declares that to protect the safety and health of the public, City Council, Commissions and Committees, meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361.
3. The City Council will revisit the need to conduct public meetings remotely within 30 days after October 6, 2022.

Coleen Mackin, Mayor

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on October 6, 2022.

I hereby certify that the foregoing resolution was adopted by the City Council at a special meeting held on October 6, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, City Attorney



California

LEGISLATIVE INFORMATION

ENROLLED SEPTEMBER 15, 2021

PASSED IN SENATE SEPTEMBER 10, 2021

PASSED IN ASSEMBLY SEPTEMBER 10, 2021

AMENDED IN SENATE SEPTEMBER 03, 2021

AMENDED IN SENATE AUGUST 30, 2021

AMENDED IN SENATE JULY 06, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 06, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 361

Introduced by Assembly Member Robert Rivas

February 01, 2021

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public

seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

DIGEST KEY

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 89305.6 is added to the Education Code, to read:

89305.6.

(a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2.

Section 11133 is added to the Government Code, to read:

11133.

(a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal

Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the

meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section

6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the

opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4.

Section 54953 is added to the Government Code, to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall

participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1.

Section 54953 is added to the Government Code, to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section

6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5.

Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6.

It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7.

The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of

subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8.

(a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

File Attachments for Item:

O. Approve Purchase of Fire Apparatus Ahead of Current Vehicle Replacement Budget Schedule

(The cost of the apparatus is \$930,000. We will pay 50% now in the amount of \$465,00 and the remaining 50% upon completion.)



CITY COUNCIL AGENDA REPORT

Meeting Date: 10/6/2022

From: Carolina Yuen, Finance Director

Subject: Approve Purchase of Fire Apparatus Ahead of Current Vehicle Replacement Budget Schedule

Community Goal/Result

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

Fiscally Prudent - Brisbane's fiscal vitality will reflect sound decisions which also speak to the values of the community

Purpose

Ensure the City has fire equipment that is modern and available to respond to calls for service as needed.

Recommendation

Purchase Fire Apparatus (Pierce Enforcer Type 1 Engine) in October 2022 ahead of expected 6% pricing increase scheduled for November, taking advantage of paying 50% as a down-payment and the remainder upon completion.

Background

The City has established the Vehicle Replacement Fund and sets aside funds each year in anticipation that vehicles in our fleet will need to be replaced in a certain number of years based on the type of vehicle. For fire engines, the City set aside funds with the expectation of adding a fire apparatus in twelve years.

For fire engines, the City and the North County Fire Authority (NCFA) utilize a reserve program. Engines are placed in reserve to ensure an engine is available when the frontline engine is out of service due to maintenance, repairs, or for operational reasons.

In recent years, the lead time to build fire vehicles upon order was 18 months. For a variety of reasons including supply chain issues, the current lead time is now at least three years to build. The City's current reserve engine was purchased in 2005. With current delays, if we were to

order this year, the reserve engine will be at least 20 years if we can receive the engine in 2025 or older if the build takes longer.

The City's last frontline engine was purchased in 2018 at a cost of \$601,000. We therefore were setting aside \$71,407 each year anticipating replacing it in 2030 assuming a 3% annual price increase, for a total cost of approximately \$857,000.

The City has been notified that the preferred manufacturer will be increasing prices on November 1st by 6% and was presented with the opportunity to purchase a vehicle using a group purchase discount with other cities as part of NCFA.

Discussion

The City would like to place the order ahead of schedule for a number of reasons. The first reason, older engines are more expensive to repair and at times replacement parts become difficult to find, potentially taking the engine out of service when needed. As previously mentioned, the lead time from order to purchase has increased from 18 months to at least three years, partly due to supply chain issues, but also due to the high number of fire engines being ordered currently due to the planned price increase in November. Fire departments who are in need of a new engine in the next few years are placing their orders prior to that day, glutting the pipeline and further delaying the delivery time of vehicles. By placing the order in October, our delivery date could be delayed well past three years. However, by working with Daly City through NCFA and adding our order to theirs, perhaps we can shorten the delivery time. And finally, by purchasing now, the sooner we will be able to lock in the quoted price of \$889,000 (before tax) instead of paying at least an additional \$53,000 by waiting until after November 1st.

The City was presented with the option to purchase a fire apparatus outright, or finance through a lease to purchase arrangement. Both options were presented to the Fiscal and Administrative Subcommittee on September 27, 2022. The Subcommittee directed staff to determine a way to purchase the fire apparatus instead of financing through a third party.

The City currently has approximately \$350,000 set aside for the purchase (five fiscal years of budgeted savings). The anticipated cost of the engine if we paid 100% up front would be \$911,000 with a variety of discounts, including a pre-payment discount of \$28,000 or 3.2%. With only \$350,000 available in the Vehicle Replacement Fund, the City would have to use funds from reserves or from other funds to cover the balance and purchase outright. The manufacturer is offering a slightly lower discount of \$11,000 or 1.2% by paying only 50% up front, combined with other discounts for a total cost of \$930,000.

The current earning rate on our portfolio is slightly higher than 1%, with highly liquid funds earning over 2%. With rising interest rates, we have been able to invest new money above

3.5%. Therefore, by holding off on paying the remaining 50% upon delivery, we would be earning more on our held cash than the additional discount we'd receive by paying in full.

If the City chooses to purchase the vehicle outright, we will need to transfer an additional \$580,000 from another fund to the Vehicle Replacement Fund. If we pay down 50% upon purchase, we would only need an additional \$115,000 from another fund to supplement the \$350,000 already in the Vehicle Replacement Fund at this time. Although the City has ample liquid funds (over \$20 million as of 8/31/22), staff does not recommend paying in full now considering uncertainties in the current economic environment and significant outflows expected to cover improvements to the 25 Park Place property over the coming year.

Staff would recommend that in either case the City anticipate replacing this new vehicle in 10 years from delivery date and assume an increase of 5% per year in cost. So, starting in 2025 the City should set aside \$167,000 for the next fire engine to ensure that the City has the available cash when needed (in 10 years).

current budget		proposed purchase using \$350K		future budget	
2018	\$71,407 / yr	2018	\$71,407 / yr	2025	\$167,000 / yr
2030	\$856,884 avail	2023	\$350,000	2035	\$1,670,000 avail
		100%	\$930,000		
		remaining	\$580,000		
		50%			
		down	\$465,000		
		remaining	\$115,000		

Instead of using reserves from the General Fund to supplement the down payment, staff would recommend using other funds to cover the balance, such as the Public Arts Fund or Park Development Capital Projects Fund, as these are not expected to be used over the next three years. Either Fund would then be paid back through the Vehicle Replacement Fund.

Fiscal Impact

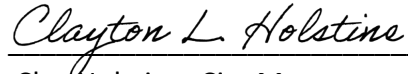
The cost of the apparatus is \$930,000. We will pay 50% now in the amount of \$465,000, and the remaining 50% upon completion. For the down-payment, \$350,000 will be from the Vehicle Replacement Fund already saved, and \$115,220 from a determined fund to be repaid by the Vehicle Replacement Fund. The remaining \$465,000 balance required at completion will be budgeted over the next two years.

Measure of Success

The City is able to promote a safe community through timely response to fire emergencies while enjoying price savings.



Carolina Yuen, Finance Director



Clay Holstine, City Manager

File Attachments for Item:

P. Review of the Draft 2023-2031 Housing Element; Application Number: General Plan Amendment 2022-GPA-1

(City Council's action at this time will be to direct staff to submit the Housing Element to the California Dept. of Housing and Community Development (HCD) for review prior to its adoption by Council at a future public hearing.)



CITY COUNCIL AGENDA REPORT

Meeting Date: October 6, 2022

From: John Swiecki, Community Development Director

Subject: Draft 2023-2031 Housing Element Update

Community Goal/Result

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

Purpose

Review draft 2023-2031 Housing Element before submission to the State Department of Housing and Community Development (HCD).

Recommendation

Direct staff to submit a copy of the draft 2023-2031 Housing Element to HCD, via adoption of the draft resolution provided in Attachment 3.

Background

The Housing Element is a mandated element of the City's General Plan that must be updated every eight years and establishes the city's goals, policies, and programs to address current and future housing needs. In accordance with State requirements, each city's housing element must analyze the city's demographic trends and housing needs, resources to support existing and future housing (including an inventory of land available for construction of new housing), and constraints to housing. This analysis informs the goals, policies, and programs, or housing action plan.

A key requirement is for cities to provide zoning adequate to meet its share of the projected regional housing need, or Regional Housing Needs Allocation (RHNA). Brisbane's RHNA for the 2023-2031 planning period is 1,588 housing units, allocated among household income categories. This is well beyond Brisbane's current zoning capacity for new homes and so a program is included in the Housing Element to provide for that zoning within the first three years of the Housing Element plan period, as discussed further below.

Other programs, as required by statute, address such topics as housing preservation, displacement of residents and affirmatively furthering fair housing.

The draft 2023-2031 Housing Element was published on August 8th and the formal public comment period ran through September 9th, although any comments received up to Council's public hearing will also be provided for Council's consideration.

On August 25th, after numerous workshops over the last year, the Planning Commission held a public hearing and by unanimous vote recommended via approval of Resolution 2022-GPA-1 that the City Council authorize staff to submit the draft 2023-2031 Housing Element to HCD for review. Details on the timeline for HCD's review are provided in the next section.

Since the public review draft of the 2023-2031 Housing Element was published in early August, the draft has been reformatted and edited to correct typographic errors. This update does not affect the organization or content of the draft made available for public review.

Discussion

There are a few items to highlight in City Council's review of the draft Element:

- New state regulations
- Goals, policies and programs
- How the City will meet the RHNA
- Comments on the public review draft Housing Element
- CEQA Determination
- Next steps and timing

New State Regulations:

Given the Statewide housing crisis, a number of new Housing Element requirements have been imposed on cities for this Housing Element cycle. Those that directly affect Brisbane are outlined in Chapter 1 of the draft Element and are addressed throughout the Element. Many of these have already been addressed through Brisbane's local ordinances, such as requirements to relax the development regulations and streamline the approval process for accessory dwelling units. Another new requirement is for the draft Element to provide in-depth analyses, data, and policies related to actions the City will take to affirmatively further fair housing (AFFH). This is interwoven throughout the Element, but specific AFFH analysis is provided in Appendix C, with specific policies provided in Chapter 5 – Housing Plan under Goal 1. Finally, a notable new procedural requirement is the State-mandated 30-day public comment period for the draft Housing Element, followed by at least 10 days to address comments in the draft Element, before City Council's review and approval for submittal to HCD. Our mandated 30-

day public review period ran from August 8th to September 9th, but all comments received after the deadline will be provided to the City Council.

Goals, Policies and Programs:

An overarching objective of the 2023-2031 Housing Element update is to make the goals, policies, and programs more streamlined and straightforward, resulting in a more effective plan that is easier to understand and implement, and better align with State law. The goals set forth in the draft element provide an organizing framework for the policies and programs that follow. The updated draft goals are:

1. Affirmatively further fair housing opportunities for all persons.
2. Facilitate and support the production of housing at all income levels, but especially affordable housing.
3. Preserve existing affordable housing.
4. Protect residents from displacement.
5. Increase public awareness of housing programs and resources.
6. Conserve natural resources and reduce greenhouse gas emissions in existing and new residential development.
7. Avoid unreasonable government constraints to the provision of housing.

New and updated policies and programs falling under these updated goals commit the City to monitorable actions that meaningfully implement its housing goals, consistent with State law.

How the City will meet the RHNA

As indicated previously, Brisbane's RHNA for the 2023-2031 planning period is 1,588 housing units. These are divided between household income categories as shown in the table below, along with the current zoning capacity shortfall.

	<i>Very Low Income</i>	<i>Low Income</i>	<i>Moderate Income</i>	<i>Above- Moderate Income</i>	<i>Total</i>
Percentage of Area Mean Income	<50%	51-80%	81-120%	>120%	-
2023-2031 RHNA (Cycle 6)	317	183	303	785	1,588
Currently Zoned Housing Unit Capacity	172	103	16	135	426
Housing Unit Shortfall, prior to 6th Cycle Rezoning	145	80	287	650	1,162

As shown in the table and discussed in Chapter 3 of the draft Element, the City's current inventory of residentially zoned land does not accommodate the total RHNA for the planning period. Accordingly, State law requires the City to identify sites that will be rezoned to meet that shortfall no later than January 31, 2026, per Government Code Section 65583(c)(1)(A).

The draft Element identifies the Baylands subarea for rezoning to meet the RHNA shortfall. This would be consistent, with Measure JJ, which was approved by the Brisbane voters in 2018, along with the subsequent General Plan Amendment GPA-1-18 in 2019 allowing for 1,800 - 2,200 housing units in the Baylands subarea. A draft Baylands Specific Plan has been submitted to the City by the developer and is presently under review for completeness by the city's consultant team. The Housing Element conservatively utilizes the lower end of the range, 1,800 units, but recognizes that the Baylands Specific Plan may be approved for up to 2,200 units. Combined with existing zoning, the total citywide zoning would exceed the RHNA by 638 - 1,038 housing units.

Comments on Public Review Draft

The draft 2023-2031 Housing Element was made available to the public for comment beginning on August 8, 2022. A number of public comments were received. Additionally, a recommended program edit was provided by the City's consultant through 21 Elements, Baird + Driscoll. A subcommittee of the City Council also met and provided feedback on the draft. Following on these comments, where a new or revised program is being recommended, they are provided in the following sections, shown in italics and underlined, and with City Council's concurrence would be incorporated into the draft Element prior to submittal to HCD.

Public Comments: The City received correspondence from nine individuals and organizations, which are provided in Attachment 2 along with the draft responses to these comments, all of which will be included in Appendix E of the draft Housing Element.

Comments ranged from management of the Brisbane Acres by a few of the commentors to the use of the Baylands in meeting the City's housing need.

A notable comment provided by the San Mateo Anti-displacement Coalition (SMADC) was a suggestion that a program be provided to address just cause evictions. To address this, staff is suggesting that a new program be added as 4.A.14, *"Adopt a just cause eviction ordinance to protect renters from arbitrary and unjustified evictions."* The timeframe suggested for this program would be by December 2023.

In addition to the comments received during the formal public comment period, a public survey was conducted from early August to September 23rd and the results are provided in Attachment 2. These will also be included in Appendix E of the draft Housing Element.

A few of the survey highlights are provided below. Individual written comments on the survey were broad ranging. For further details, please refer to Attachment 2, which will be included in Appendix E of the Housing Element:

- A total of 126 people responded to the survey, with 122 of those indicating that they were Brisbane residents.
- Approximately 81 percent of the respondents indicated that they own their place of residence.
- Approximately 13 percent of the respondents, renters and owners, characterized their housing costs as exceeding 50 percent of their household income with another 33 percent of those responding are paying between 30 and 50 percent of their income on housing.
- 41 percent of the respondents indicated that they have considered adding an accessory dwelling unit (ADU), but up-front financial concerns and space are among the primary concerns with doing so.
- 33 percent of the renters feel that they are at risk of displacement.
- 57 percent of respondents would like to make energy improvements to their home, but are delaying them due to affordability.
- Most of the individual program questions (for example, studying the reduction of required lot sizes for small scale development) received an average rating of 3 or more, on a scale of 1 to 5, with 5 being very important.

21 Elements Consultant Comments: An edit was suggested by the City’s consultant provided through 21 Elements, Baird + Driscoll, to use more general language in the proposed County-wide management system for below market rate units. Program 5.B.1 would read, “Engage with 21 Elements staff to promote development of a Countywide system that supports the management of for-sale BMR units, including their listing and sale.”

City Council’s Planning Subcommittee Review and Feedback: Staff met with the subcommittee of the City Council on September 14th. The following modifications were suggested to the programs:

- There was discussion about the large commercial employers and the need to provide housing for their workers, especially those in the lower income groups. It was suggested that commercial buildings might have a mixed-use component. To address this, a new draft program might be added under the goal of facilitating housing production, as a new Program 2.A.7, “study zoning amendments to existing commercial zoning districts, at Sierra Point and Crocker Park, to either allow or require mixed use buildings.”

- Modify Program 2.E.4 to clearly state that an in-lieu fee is to be considered. With the bold text added, it would read, **“Update the Inclusionary Housing Ordinance to comply with current State law, and consider in-lieu fee alternatives for for-sale developments that may provide additional affordable housing revenue to the City.”**

The subcommittee also suggested enhancing the City’s public outreach program to highlight where the City is making progress in implementing housing programs and educating the community on the challenges and requirements in developing affordable housing. This would fit under proposed Policy 5.A *“Engage the community and provide public information on housing issues and resources”* and Program 5.A.1 and staff will be specifically looking to provide such messaging throughout the Housing Element cycle.

CEQA Determination:

Adoption of the Housing Element is categorically exempt under CEQA Section 15061(b)(3) because it involves adoption of policies and programs that would not cause a significant effect on the environment.

Additionally, the proposed and existing zoning programs, including those to meet the RHNA shortfall, are exempt from CEQA per Section 15183(d) of the CEQA Guidelines as follows:

- Rezoning to meet the RHNA Shortfall is addressed under the Environment Impact Report (State Clearinghouse #2006022136; via Brisbane City Council Resolution 2018-61) and EIR Addendum for General Plan Amendment GPA-1-19 (adopted via Brisbane City Council Resolution 2020-1), which allows for development of up to 2,200 housing units on that same portion of the Baylands as indicated in the Housing Element.
- All other residential and mixed-use districts identified in the Housing Element are already designated for residential development in the City’s General Plan and zoning ordinance, for which an Environmental Impact Report was adopted in 1994 (SCH #93071072) and a negative declaration was adopted in 2015 relative to adoption of the Parkside Residential Overlay districts (SCH #2015012053).

Next Steps

Once City Council authorizes the submission of the draft to HCD for review, staff will forward it along to HCD, which has up to 90 days to review and provide comments on the draft element. Once HCD comments are received by the City, the draft element will likely require revision to respond to HCD comments. Subsequent resubmittals of the draft element are subject to a 60-day review period by HCD. The statutory deadline for the Element to be certified is January 31, 2023; however, a 120-day grace period is allowed under state law. As such, the final deadline for adoption of the final Element by Council and HCD certification is May 31,

2023. Based on the experiences of jurisdictions in other regions of the State who have already gone through the Housing Element review process, staff expects to have at least two review cycles with HCD prior to certification.

Fiscal Impact

None

Measure of Success

Certification of the 2023-2031 Housing Element in compliance with state requirements.

Attachments

1. Draft 2023-2031 Housing Element via weblink [brisbane 2023-2031 housing element withappendices comp.pdf \(brisbaneca.org\)](https://www.brisbaneca.org/2031-housing-element-withappendices-comp.pdf)
2. Draft Appendix E Inserts – A) Public Comments, B) City Responses to Comments, C) August/September 2022 Survey Results
3. Draft City Council Resolution 2022-XX
4. Planning Commission Resolution 2022-GPA-1
5. Planning Commission Draft Meeting Minutes 8/25/22
6. Planning Commission Agenda Report 8/25/22



John Swiecki, Community Development Director



Clay Holstine, City Manager

Question/Comment via website

dolores <brisbaneca@municodeweb.com>

Mon 8/15/2022 2:32 PM

To: Ayres, Julia <jayres@ci.brisbane.ca.us>

This message was sent from outside the company by someone with a display name matching a user in your organization.
Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Submitted on Monday, August 15, 2022 - 2:32pm

Submitted by anonymous user: 45.26.48.234

Submitted values are:

First Name dolores

Last Name GOMEZ

Phone Number

Email Address brischic@sonic.net

Is this related to Brisbane's Draft 2023-2031 Housing Element? Yes

Would you like all or part of the draft Housing Element to be translated to Simplified Chinese or Spanish? No

Question/Comment

No one is addressing; WATER, TRAFFIC. Are we talking these dwelling to be on theBaylands? If so , okay. But Brisbane proper is FULL. Please do not cram more housing and people here.

The results of this submission may be viewed at:

<https://www.brisbaneca.org/node/15871/submission/10472>

To: Planning Commission, Staff
 From Dana Dillworth
 RE: Housing Element 2022 GPA 1, Housing Element Update
 August 25, 2022

Has this Housing Element been circulated through the State Clearing House? What is its number? Perhaps it needs to be recirculated.

I wonder how the County of San Mateo and the State of California's Natural Resources departments would respond to a Housing Element which seeks to take irreplaceable, environmentally sensitive habitat (with 60% protection) out of the mix for no-limits, no further study or review dense housing. The City has stated that they have the ability to repay the funders for these properties, however Our General Plan (R-BA) has a stated goal of limiting housing to be protective. This element is inconsistent with our General Plan and our goals of environmental protection for San Bruno Mountain.

I question your lack of CEQA review. In addition, I question the goal to meet ever-increasing RHNA numbers and their impact on a town of this size. It should be questioned, if not challenged.

How do our RHNA numbers keep increasing? How is this a "fair-share" of 2,226 units required of a town of 2,100? We have rezoned multiple times to meet the same goal. (ADU's could +/- double the town, Parkside overlay, and Baylands). Seriously, the only stated goal of our housing element should be to provide low and very-low income housing with protections that they should never be placed into market-rate service without an equivalent in-situ remedy.

Not subject to CEQA in this moment, but a complete CEQA review IS required because you are advising on a foreseeable action by the City that will have enormous environmental impacts.

If the Brisbane Baylands EIR is the only environmental review for this element, in spite of how impressive, the Baylands EIR was not done with the knowledge of SB 9 or imminent State legislation(s) that will further take our Public Open Space resources, Parking facilities, and Transportation corridors to the benefit of dense housing developers.

The Baylands EIR never imagined an elimination of R-1 housing which quadruples housing stock over night under new State mandates. Mums the word, let's not tell the public what is really happening. Additionally, the stated purpose of the Baylands EIR was to meet one developer's goal. It requires adhering to sustainability standards that are not required throughout town because our conservation element hasn't had equal updates. It also requires sufficient water supply to support a new population of 4,000, now even more new residents and building supportive infrastructure. What part(s) of the Bayland's agreement for Open Space, Recreation, Infrastructure, and Community Facilities will be required of the landowners in the Brisbane Acres or other places you might move this high-density zoning to?

CEQA requires that all elements in the General Plan be in balance. When was the last time you studied and mapped open space, conservation, our natural resources, and safety requirements with such diligence? It was 1991-1994 for me. What does the recent 20-year drought mean and how did Covid impact the need and dynamics of housing? What about sea-level rise? Those are the types of studies that are necessary for this Housing Element to be current.

Brisbane Acres are inaccurately being mapped and referred to as Central Brisbane. (Figure B.7.2) I object to this new map, if approved, because Central Brisbane is a specific land use. The map homogenizes the town, it ignores the difference and importance of our R-BA districts which is mentioned in our Open Space Plan as having a special ecological importance. Many

acres were purchased with Open Space funds for improvement for habitat of rare and endangered species. There is an existing environmental determination that requires lower impacts and not scarring the hillside for infrastructure. To speak so casually of the Brisbane Acres' ability to meet or may meet thousands of units of housing needs is unacceptable because you have not considered the impacts to our streets.

As I see block-long cranes and laden cement trucks lumber up a wide part of Humboldt Road to only back down the hill because of the potential jack-knifing or break failures at every turn, I wonder about the future of Brisbane if we adopt a housing plan that would have enormous impacts to our upper acres and the safety of our residents without looking at the obvious constraints, as an exercise.

The city is in negotiations with the Baylands developer. I cannot believe that out of 1800 housing units there will only be about 200 units for low-income housing. Are you aware that the Baylands developers, with city approval, have asked for \$3.5 millions of dollars from the state for clean-up funds? We were told that the reason for so many units, was to pay for the clean-up. What gives?

This element includes language of what to do, where to find units if the current land uses don't produce. Is that a reality? Baylands could renege and we have to place hundreds of units of low-income housing elsewhere? That language should be addressed so that we don't have surprise re-zonings, because alternatives were considered in a public forum, but none have been studied.

Why are the Baylands developers in stakeholder meetings only being asked to do the minimum? In 600 acres, there are many opportunities for housing (if proven to be safe) to meet the needs for all sectors of society, for assisted and transitional housing, for experimental off-grid communities. Near a transit hub, all pluses. How is it that the Baylands developer is not being considered as a greater resource for meeting the needs of the community as a whole? Perhaps the mandate is too low or too weak. Given our years of no new affordable housing, our plan should be immediate solutions. Not the rehashing of systems that don't work expecting a for-profit developer to uphold community values and commitments.

I ask that you send this back to the council for further studies. I ask that you learn the impacts of the new legislation from Sacramento and invite speakers from Community Catalysts <https://catalystscsca.org> to provide an alternative view of the Housing mandates. I ask that you question our RHNA numbers and learn what other communities are doing with viewing a presentation from Pam Lee an attorney representing communities who question the recent long arm reach of Sacramento: <https://vimeo.com/738853753> and question whether we have unlimited resources for developers who don't uphold their promises or contribute to the good of their community.

Where was a discussion of sustainability, of eco-villages? Of truly affordable, life-supporting community housing? Of local food production? Where is the James Wine's concept of garden cities? As my family seeks a different, affordable community, we are reminded of the developments of the 70's that had lesser impacts to the land and created livable spaces. I shutter at the thought that you have allowed the developer of the Baylands to be required to do so little for the overriding considerations you are asking us to once more consider.

Thank you.

Viana, Alberto

From: Anthony Lavaysse ~~alavaysse@norcal.org~~
Sent: Friday, August 26, 2022 12:53 PM
To: Planning Commissioners
Subject: Attn: Planning Commission

Hello Commissioners,

My name is Tony Lavaysse, and I recently spoke at the Planning Commission meeting on 8-25-22. My comments were related to the Housing Element and our construction workforce.

As I said, I have been a carpenter for over 27 years. It has been my experience that there is a great disparity between local carpenters wages from contractor to contractor.

As a Union Organizer, it is part of my job to walk job sites in an effort to meet with workers and gather information. The data has shown that the unrepresented carpenters make substantially less per hour with little, or more often, no benefits. This highlights the need to hire RESPONSIBLE contractors.

My hope is to raise the bottom for all carpenters in an effort to improve the quality of life for them and their families. Thus elevating the community as a whole. We achieve this through Area Labor Standards.

Local Hire
Health Care
A Living Wage

I hope this provides you with a better understanding of the challenges of the unrepresented workforce. There is a definite need for Area Labor Standards, and responsible General Contractors and Sub-Contractors.

I look forward to discussing this with you further.

Respectfully,
Anthony Lavaysse
Field Representative
Nor Cal Carpenters Union
(341)688-1494

Ayres, Julia

From: Kendra Ma ~~<kendrama@transformca.org>~~
Sent: Tuesday, August 23, 2022 3:58 PM
To: Swiecki, John; Johnson, Kenneth; Ayres, Julia
Cc: housingelements@hcd.ca.gov
Subject: Brisbane Draft Housing Element Comment
Attachments: Brisbane HE Comments_TransForm.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Brisbane Community Development Team,

My name is Kendra and I am the Policy Analyst at TransForm. We are a nonprofit policy advocacy organization focusing on better land use and transportation policy at the local, regional, and state level. Thank you for releasing a draft of the City's Housing Element for review and public comment. Our team has put together some feedback that we would like to see addressed in the Housing Element.

We applaud the City for releasing their draft Housing Element for feedback. We'd love to see if the Element can include clearer goals and language around parking policies and TDM strategies. Please see the attachment in this email to see our comments and recommendations.

Feel free to reach out if you have any questions - we know this is a busy time of year and we thank you so much for your hard work around this!

Thanks,
 Kendra

--

Kendra Ma, Policy Analyst
 (she/her/hers)

TransForm

560 14th Street, Suite 400, Oakland, CA 94612

Sign up for our emails at www.TransFormCA.org. Follow us on [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#), too.



August 23, 2022

Community Development Department
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Draft Housing Element Needs Ambitious Parking Updates

Dear Brisbane Community Development Department,

TransForm is a regional non-profit focused on creating connected and healthy communities that can meet climate goals, reduce traffic, and include housing affordable for everyone. We applaud Brisbane's work to date on the Draft Housing Element. However, to meet housing, transportation, and climate goals, Brisbane needs to expand on its successful programs and initiate some new ones.

In particular, there will need to be an effective mix of:

- Reducing parking provision and providing incentives and programs to drive less (Transportation Demand Management or TDM)
- Developing sufficient programs to meet affordable home targets of RHNA

We appreciate Program 6.A.5 which will continue a study to potentially lower parking standards. However this program has an excessive timeline given it is a continued policy from the previous cycle, and does not commit to any specific parking reforms. We do support the work Brisbane has done in this area, including the last cycle's parking reforms which lowered parking space requirements and linked parking provision to unit size, yet as the housing crisis grows and as we see stronger, newer models of parking policy it is time for stronger commitments to reform.

The need to eliminate or greatly reduce parking minimums is more important than ever. **Each new parking space costs \$30,000-\$80,000.**¹ With inflation driving up construction costs since these estimates, two spaces may now cost up to \$200,000. Beyond construction costs, parking takes up essential space that could provide more homes, services, or community amenities.

¹

<https://www.shoupdogg.com/wp-content/uploads/sites/10/2016/05/Cutting-the-Cost-of-Parking-Requirements.pdf>

TransForm recommends that Brisbane consider the following policies in the Housing Element:

1. Requiring unbundled parking for certain transit oriented developments. This is easier for building managers to implement now with new parking tech tools like [Parkade](#).
2. Implementing TDMs such as requiring developers to buy annual bus passes for residents at a discounted bulk rate.

To show the tremendous transportation and climate benefits of these policies, as well as some of the financial savings for residents and reduced costs for development, we have used our GreenTRIP Connect tool to [create scenarios](#) for a potential future development site at **145 Park Lane**. This site is identified in Brisbane's draft Housing Element Site Inventory as a potential future opportunity site outside of any specific zoning district with lower parking provision. The California Office of Planning and Research recommends GreenTRIP Connect as a tool to use while developing General Plans and is especially useful during the development of Housing Elements (the tool is free to use and supports better planning at the site and city-wide level).

By implementing the strategies above at **145 Park Lane**, GreenTRIP Connect predicts:

1. Implementing unbundling and providing transit passes at this site would decrease demand for parking by 36% and result in resident transportation savings of \$792 per year.
2. With right-sized parking, incorporating the benefits of unbundled parking and free transit passes, the development would cost \$6,378,000 less to build relative to current parking standards.
3. When combined with 100% affordable housing these strategies resulted in an incredible 60% reduction in driving and greenhouse gas emissions for the site, compared to the city average.
4. If an affordable development with smart parking strategies were built on this site each household would drive 6,282 less miles per year creating a greener and safer community.

By eliminating the high costs of parking, homes can be offered at more affordable prices, reducing the number of community members that face extreme housing cost burdens, getting priced out of their community, and/or becoming unsheltered. Residents, new and old alike, will greatly benefit from the reduction in vehicle traffic and associated air pollution (see scenarios [here](#)).

In addition to parking and transportation strategies, we applaud some of the proposed strategies to support more affordable homes, since these would have such tremendous benefits as noted in the GreenTRIP scenario. Two of the most important are Programs 2.D.1 and 2.E.1 that streamline affordable development to help reach RHNA goals, by subsidizing the cost of affordable housing through fee waivers and adopting an Affordable Housing Strategic Plan, respectively. These programs are a cost-effective complement to strategies focused on housing production.

The GreenTRIP scenarios and the chart on the final page of our Scenario document also show the imperative of programs to accelerate development of affordable homes, like Programs 2.D.1 and 2.E.1. Not only do these households use transit more and drive much less than average, but success in this area can help provide homes for unsheltered individuals and families. A commitment to these programs will show that Brisbane is committed to planning for all levels of the 803 BMR RHNA units anticipated in this cycle.

Please let me know if you have any questions. TransForm hopes this information explains why Brisbane should make parking reform a priority in the Housing Element update.

Sincerely,
Kendra Ma
Housing Policy Analyst
kendrama@transformca.org

City of Brisbane
50 Park Place
Brisbane, CA 94005

To the honorable Brisbane City Council,

The San Mateo Anti-Displacement Coalition (SMADC) appreciates this opportunity to urge you to take swift action to stop a wave of evictions by passing a robust just cause for eviction ordinance.

SMADC works with communities and their leaders to preserve, protect, and produce quality affordable homes. We represent community organizations across San Mateo County committed to fight housing displacement for low-income people, communities of color, people living with disabilities, and others who have faced structural and systemic barriers to safe, stable, healthy, and affordable homes. Our members provide direct services for tenants, organize residents, and advocate for low-income communities of color.

Thousands of San Mateo County residents are facing evictions that threaten to cause displacement or even homelessness. The Legal Aid Society of San Mateo County has seen the number of unlawful detainer evictions increase by 60% in May this year compared to the first four months of 2022. Evictions create lasting harm to individuals, families, and our communities. Evictions disrupt childrens' education, cause workers to miss work and lose employment, force people into precarious housing situations or out of our communities entirely, and lead to lasting mental and physical health impacts.

A local just cause for eviction ordinance is one of the most powerful tools our cities can implement to prevent evictions. Just cause for eviction ordinances, which already exist in two dozen California cities, require landlords to have "good cause" when pursuing eviction, such as the tenant failing to comply with the lease or the owner moving in. They give tenants stability, security, and legal protection against unfair and arbitrary evictions. They protect tenants who speak up against poor living conditions, discrimination, or landlord harassment from retaliatory evictions. A [recent study](#) in four California cities, including East Palo Alto, found that evictions and eviction filings decreased after passing local just cause for eviction ordinances.

San Mateo County is increasingly becoming a home to renters, and our laws need to catch up to safeguard their homes. Across the county, 40% of households are renters. This rate is much higher for people of color due to decades of discrimination and exclusion from homeownership opportunities: 58% of Black, 62% of Latino, 53% of South Asian, and 46% of Filipino households in San Mateo County are renters ([Bay Area Equity Atlas](#)). Nearly half of all renters in the county are cost-burdened, spending more than one-third of their income on rent. A staggering 71% of Central American residents are cost burdened, leaving little left over for food, child care, healthcare, or other basic needs ([Bay Area Equity Atlas](#)).

California passed the Tenant Protection Act (TPA), a state just cause for eviction law in 2019,¹ but that law leaves out many tenants and has loopholes that have limited its effectiveness. This law explicitly authorizes cities to pass stronger local ordinances, because the state legislature intended the state law to be a floor, not a ceiling, on tenant protections.² We also note that cities are not constrained by the Costa-Hawkins Act in enacting local just cause laws.

Local eviction protections allow us to add protections based on the problems we see locally. San Mateo County is at the epicenter of one of the most dire housing crises in the state, and we need stronger local protections.

Though Brisbane is moving in the right direction by surpassing its Regional Housing Needs Allocation (RHNA) goals for moderate and above moderate-income housing over the 5th cycle, the city needs to pay more attention to the lower-income sector of the population. More than 40 percent of households are cost burdened, meaning that they pay higher than 30 percent of their income in rent. As a result, Brisbane's lower-income population has suffered displacement.

Brisbane can better demonstrate its commitment to protecting renters by promoting a range of best practices.

Local just cause for eviction should:

1. **Regulate Ellis Act evictions.** California's Ellis Act³ allows landlords to take their property off the rental market, while giving localities the power to regulate these evictions to protect tenants and prevent abuse. Under state law, removing the property from the rental market is an allowable just cause reason to evict,⁴ but without any local regulation, this reason is a loophole that threatens to swallow the rule. A local just cause ordinance should provide explicit procedures and protections, including: requiring landlords to follow a transparent process in order to remove a property from the rental market; providing tenants with longer notice (120-days or 1-year for tenants who are elderly or have disabilities); requiring landlords to remove the entire building from the rental market, not just a single unit; establishing penalties for landlords who re-rent the property after pursuing a bad faith Ellis Act eviction; and giving tenants the right to return at the same rent if the property is re-rented.
2. **Regulate owner move-in evictions.** Under state law, the owner move-in just cause provision⁵ lacks specificity and has been frequently abused. Local ordinances like Richmond's provide

¹ Civil Code § 1946.2.

² Civil Code § 1946.2(g)(1)(B).

³ Gov. Code § 7060 et seq.

⁴ Civil Code § 1946.2(b)(2)(B).

⁵ Civil Code § 1946.2(b)(2)(A).

further regulation to prevent this abuse. A local just cause ordinance should include detailed provisions to prevent abuse, including: prevent corporate landlords from using owner move-in as a just cause reason to evict; require the notice to state the name, address, and relationship to the landlord of the person intended to occupy the unit; restrict owner move-ins when there are vacant units in the building or in other properties owned by the landlord, or when the person moving in already lives in the property or in another property owned by the landlord; and provide that the landlord or their relative must intend in good faith to move in within 90 days after the tenant vacates and occupy the unit as their primary residence for at least 36 consecutive months. If the landlord or their relative specified in the notice fails to move in within 90 days, the landlord should be required to offer the unit to the tenant who vacated and pay for the tenant's moving expenses. A local just cause ordinance should also bar owner move-in evictions where the tenant has lived in the unit for at least five years and is either elderly, disabled, or terminally ill.

3. **Increase relocation payments for all no-fault evictions.** State law only provides for relocation payments equal to one month of the tenant's rent,⁶ which is inadequate to cover the costs of moving, security deposits, first and last month's rent at a new rental unit, and increased rent levels. These are all unplanned expenses for the tenant, and the tenant should be reasonably compensated commensurate with the loss of their housing through no fault of their own.. A local just cause ordinance should cover a minimum of four months of the tenant's rent to cover the full costs of relocation for all no-fault evictions, with additional payments for tenants who are low-income, disabled, elderly, have minor children, or are long-term tenants.
4. **Expand which units are governed by just cause.** State law excludes many types of housing units from just cause protections, including units less than 15 years old and many single-family home rentals.⁷ A local just cause law should cover all units on the market, with only narrow exceptions for certain types of housing (e.g. deed restricted units in affordable developments). In East Palo Alto, the vast majority of single-family homes are covered by their just cause for eviction ordinance..
5. **Provide greater specificity for all "no-fault" just cause eviction reasons to ensure maximum compliance.** Legal aid service providers frequently report that some property owners use the ambiguity in state law to evict tenants without cause using the no-fault reasons – including substantial remodel, removing the property from the rental market and owner move-in, as discussed above. To protect tenants from eviction and homelessness due to abuse of the law, many cities have developed best practices around providing further specificity to the definitions of these no-fault reasons. A local just cause ordinance should provide greater specificity for all no-fault reasons to ensure tenants are not evicted without just cause
6. **More specifically define "at-fault" just cause reasons for eviction.** Local just cause ordinances should also enumerate and specifically define "at-fault" just causes for eviction, to ensure that things such as minor curable lease violations do not lead to immediate evictions.

⁶ Civil Code § 1946.2(d)(2)-(3).

⁷ Civil Code § 1946.2(e).

7. **Provide tenants with recourse if their landlord attempts to recover possession in violation of the law.** State law lacks adequate enforcement mechanisms. A local just cause ordinance should clearly state that a tenant may assert their landlord's failure to comply with any requirement of the ordinance as an affirmative defense in an eviction case and provide aggrieved tenants with a private right of action for equitable relief, damages, and restitution so tenants can enforce their rights if their landlord violates the law. A local just cause ordinance should also provide for enforcement by the City Attorney or County Counsel.
8. **Create a rental registry.** Listing all properties available for rent in the city, especially affordable rentals. Aggregating information about rental availability helps tenants with special housing needs.

Many communities across the state and in San Mateo County have passed strong local just cause for eviction protections, including East Palo Alto and Mountain View. In order to create a just cause for eviction ordinance, we urge you to take the following actions:

- **Include a housing element program to adopt a local just cause for eviction ordinance.** Every Bay Area jurisdiction must update its housing element by January of 2023, and every housing element must include actions to affirmatively further fair housing (AFFH). Renters are disproportionately people of color, due to decades of discrimination and outright exclusion from homeownership opportunities. Moreover, arbitrary evictions often target people of color, immigrants, and other members of protected classes who may be "less desirable" renters in the minds of some landlords. Cities should include a commitment to adopt a just cause for eviction ordinance in the program of actions that will be taken in order to meet the AFFH requirements, address the housing needs of low-income renters, as well as to meet the requirement to preserve existing, non-subsidized, affordable housing stock.
- **Prioritize just cause for eviction for council consideration in 2022.** With evictions already on the rise, we need just cause for eviction passed this year. We urge you to take a public position to support passing a strong local ordinance in 2022.

Cities such as Richmond,⁸ Berkeley,⁹ and many others have already passed strong just cause for eviction ordinances, creating strong models for your city to follow. The Anti-Displacement Coalition is also happy to arrange meetings between jurisdiction representatives and renter protection advocates to help you craft an ordinance that works best for your community.

Ultimately, our communities need long-term, permanent solutions to stop and reverse displacement and create safe, affordable, healthy, and stable housing for all. As we build towards these long term solutions, we urge you to take action today to expand & pass just cause for eviction protections.

⁸ Chapter 11.100 of [Richmond City Code](#).

⁹ Chapter 13.76.130 of [Berkeley City Code](#).

We look forward to working with you to advance this and other important policy solutions,

Sincerely,

Ramon Quintero
Urban Habitat

Suzanne Moore
Pacifica Housing 4 All

Adriana Guzman
Faith in Action

Karyl Eldridge
One San Mateo

Maria Chatterjee
Legal Aid Society of San Mateo County

David Carducci
Legal Aid Society of San Mateo County

Jeremy Levine
Housing Leadership Council of San Mateo County

Maria Paula Moreno
Nuestra Casa in East Palo Alto

Diana Reddy
One Redwood City

Ofelia Bello
YUCA



The City of Brisbane

Via email: jswiecki@brisbaneca.org

Cc: HousingElements@hcd.ca.gov

September 9, 2022

Re: Brisbane's Draft Housing Element

To the City of Brisbane:

The Campaign for Fair Housing Elements and YIMBY Law thank the City for its [draft housing element](#). We have but a few comments.

The Draft correctly notes there is much work to be done to accommodate the City's housing need. Today, Brisbane hosts almost twice as many workers as residents (Draft, p.I-2). Virtually all of these workers and residents commute into or out of Brisbane; almost no one lives *and* works in the City (*id.* p.II-10). This living pattern emits greenhouse gases, and the City should endeavor to change it. For Brisbane to be sustainable, it needs to be affordable.

A key part of the problem is that the City's zoning laws enforce an artificial shortfall of at least 1,182 homes below need (*id.* p.II-28). A shortfall of such magnitude requires bold reforms. We credit the City's intent to adopt the Baylands Specific Plan to meet its housing need on paper (*id.* pp.III-2, V-7, B-6), but note the City does not actually believe its lower-income need will be met (*id.* p.V-2).

We therefore challenge the City to go farther. A large, vacant site such as the Baylands is an opportunity that few Bay Area cities have: why restrict most of it to low-density development? (See *id.* p.III-7.) The City should also "remove," as State law requires, the

constraints that its R-2, R-3, and NCRO-2 zoning districts admittedly impose on “affordable housing development.” (Compare *id.* p.IV-2 with Gov. Code § 65583(c)(3).)

We also approve the City’s attention to protecting residents from displacement, and look forward to seeing Brisbane’s Affordable Housing Strategic Plan next year. (See Draft, p.V-16.) There is no Program 3.E.1 listed, however, as Policy 2.D suggests. (Compare *id.* p.V-9 with *id.* p.V-15.) We would like to see this clarified.

Please contact me if you have questions, and good luck.

Sincerely,



Keith Diggs

Housing Elements Advocacy Manager, YIMBY Law

keith@yimbylaw.org





City of Brisbane
50 Park Place
Brisbane, CA 94005

To the honorable Brisbane City Council,

The Housing Leadership Council (HLC) appreciates this opportunity to comment on the city of Brisbane's housing element. HLC works with communities and their leaders to create and preserve quality affordable homes. We were founded by service providers and affordable housing professionals over 20 years ago to change the policies at the root cause of our housing shortage.

Though Brisbane has surpassed its Regional Housing Needs Allocation (RHNA) goals for moderate- and above moderate-income housing over the 5th cycle, the city faces significant challenges as it plans for housing at all levels of affordability over the next eight years. Home prices have more than doubled over 20 years, from less than \$500,000 in 2002 to more than \$1 million in 2020.¹ More than 40% of households are cost burdened, meaning they pay more than 30% of their income in rent.² As a result, Brisbane's lower- and middle-income population has collapsed. 903 households made less than \$75,000 per year in 2000; by 2020, just 601 did. The city has lost almost 80% of its residents earning less than \$25,000 per year over just 20 years.³

In response to Brisbane's urgent housing need, this letter provides proposals for changes and additions to the housing element that will enable the city to meet its housing obligations for all residents regardless of income. The first part of this letter examines Brisbane's site inventory analysis, evaluating whether the city has demonstrated capacity for affordable housing as required by the Regional Housing Needs Allocation. The second portion of this letter suggests changes and additions to Brisbane's goals, policies, and programs that will help the city better meet the housing needs of all its residents.

Site Inventory & Methodology

With their site inventory, cities demonstrate that they have adequate locations with the necessary policies in place to produce the RHNA allocations. Recent changes to state law require cities to meet a higher burden of proof for affordable housing in their site inventories. Sites projected for lower-income housing must demonstrate substantial evidence that the

¹ Appendix D: [ABAG/MTC Housing Needs Data Report](#), p. 33

² Appendix D: [ABAG/MTC Housing Needs Data Report](#), p. 7

³ Chapter 2: [Needs Analysis](#), p. 13

existing use will be discontinued during the planning period, particularly if more than 50% of sites projected for lower-income housing are non-vacant.⁴

Brisbane's draft housing element claims that 49% of its low-income homes in the 6th RHNA cycle will be built on non-vacant sites. If true, the city would not need to provide substantial evidence that non-vacant sites will be redeveloped for lower-income housing over the planning period. However, HLC will demonstrate that Brisbane's housing element relies on nonvacant sites for a majority of its lower-income housing and so must provide more evidence to justify the inclusion of some sites in the inventory or identify new policies and programs to support its claims. Most likely, the draft housing element will need to do both.

The housing element site inventory & methodology section claims to demonstrate capacity for 500 lower-income units, 254 of which will be built on vacant sites and 246 of which will be built on nonvacant sites. Of the 254 lower-income units projected for vacant sites, 225 are supposed to come from the Brisbane Baylands project, 24 are supposed to come from ADUs, and another 5 are supposed to come from pending projects.⁵

However, the inventory significantly overestimates the number of units that will be built at the Brisbane Baylands site over the planning period. Under Brisbane's current housing element policies and programs, the site is unlikely to be fully developed during the planning period. Brisbane's housing element outlines a simple story: The city approved Measure JJ in 2018, allowing 1,800-2,200 homes to be built on the Baylands site. The housing element claims that "the City is conservatively calculating the realistic capacity of the Baylands" by assuming that 1,800 units will be built on the site, the lower bound approved by Measure JJ.⁶

The housing element's narrative regarding the Baylands omits several relevant details. For example, the housing element does not mention that the owner of the Baylands proposed a Baylands Specific Plan in 2010 that would have allowed up to 4,434 homes on the site.⁷ A 2013 environmental impact report found that the Baylands project would produce a lower environmental impact if a larger quantity of housing were placed near the planned commercial areas. Yet no significant action was taken on the project until 2018, when Brisbane's city council voted to approve a General Plan amendment allowing a maximum of just 2,200 homes, less than half the original proposal.

Now that the Baylands are able to move forward, there is still a low likelihood that the site will be developed over the planning period. As proposed in the 2011 revised draft Brisbane Baylands Specific Plan, the project was planned to be built over a 30-year schedule. The housing element presents no evidence that the residential portion of the new project would move forward on a faster timeline.

⁴ HCD's [Site Inventory Guidebook](#), p. 27

⁵ Appendix B: [Sites Selection Methodology & Inventory](#), p. 9

⁶ Appendix B: [Sites Selection Methodology & Inventory](#), p. 11

⁷ Brisbane Baylands [Environmental Impact Report: Project Description](#), p. 30

In fact, the housing element indicates there will be further delays. According to program 2.A.2 in the housing element, the city does not plan to approve the current proposed Baylands Specific Plan until January 31, 2026, the maximum time the city can legally delay upzoning.⁸ Even after the Baylands Specific Plan is approved, Brisbane City Manager Clay Holstine has publicly said soil remediation and other environmental cleanup will take at least three years.⁹ The housing element recognizes environmental remediation could be a constraint, but does not acknowledge the projected timeline.¹⁰ HLC believes this constraint could be addressed by allowing environmental remediation to occur concurrently with the project approval process, but the housing element makes no such commitments nor analyzes whether they are even possible pursuant to Measure JJ.

Under the very best case scenario outlined in Brisbane's housing element, the Baylands doesn't even start to break ground until 2029, meaning the proposed 1,800 minimum homes will certainly not be developed within the planning period. However, HLC believes amendments could be made to the housing element that would justify inclusion the Baylands as an opportunity site, though at a reduced realistic capacity reflecting the fact that some homes will not be built within the planning period.

In order to justify inclusion of any portion of the Baylands in its site inventory, the housing element must commit to expedite approval of the Baylands Specific Plan by the end of 2023 (rather than the start of 2026), expedite all relevant permit processing for the Baylands project, and allow remediation to occur concurrently with the approval process so actual development can occur as rapidly as possible. The city should also share plans from the Baylands developer demonstrating that they intend to develop housing at the Baylands site within the planning period.

Then, the city should only count the number of units expected to be built before 2031 toward its 6th cycle RHNA allocation, meaning the site should have a lower realistic capacity for this planning period. HLC believes a reasonable estimate for the Baylands's realistic capacity during this planning cycle is 50%, amounting to 900 total homes, though we would support a different number if the city could provide credible evidence the Baylands will be built on a faster timeline

Lastly, the city should either (1) create a basket of development incentives to ensure the Baylands developer actually builds the planned affordable housing, (2) present a written commitment from the Baylands developer to meet the affordability goals outlined in the housing element, or (3) adjust the housing element's affordability assumptions for the Baylands downward. Either way, even in the best case scenario, Brisbane will likely need to reduce the absolute number of affordable housing units it projects at the Baylands, which will reduce its affordable housing count as well. If Brisbane has to count at least 8 fewer affordable units at the Baylands site, which would be the case if the city uses an appropriate site capacity, the city will

⁸ Chapter 5: [Housing Plan](#), p. 7

⁹ SF Curbed, [Baylands housing could take ten years](#)

¹⁰ Chapter 4: [Constraints](#), pp. 6-7

be planning for a majority of its affordable housing on nonvacant sites in the Parkside neighborhood and must therefore provide substantial evidence that those sites are realistic.

Absent the evidence described above, the state department of Housing and Community Development should not allow any part of the Brisbane Baylands to be counted towards the housing element. Even if the Baylands is accepted as an opportunity site, it should be accepted at a lower realistic capacity absent evidence to the contrary. The city likely needs to identify capacity elsewhere, which will require significant upzoning and other policy changes.

Regardless of whether or not HCD accepts the Baylands as an opportunity site, Brisbane's site inventory has several other gaps. For example, the city includes dozens of single-family parcels in its site inventory that were used in both the 4th and 5th cycles, meaning the city needs to provide a site-by-site analysis demonstrating its projections for these sites are realistic. No such analysis is provided in the draft housing element.

The housing element also assumes 246 lower-income homes will be built in its Parkside neighborhood on six non-vacant parcels located in its POAZ-1 and POAZ-2 districts, all of which are non-vacant. The housing element assumes that 100% of new homes built on these sites will be affordable, an unlikely assumption considering there is no track record of building affordable homes in Brisbane. To HLC's knowledge, no project with affordable homes has been proposed in the Parkside neighborhood since the districts were implemented in 2018. The city needs to provide substantial evidence of redevelopment over the planning period and change local policies in order to include these sites in the inventory.

Several constraints to housing do not receive adequate consideration in the site inventory or the constraints analysis and so require further discussion as well. Table B.4.2 in the site inventory document, Current Land Use and Development Standards, describes development standards that may constrain housing development, but which are not adequately analyzed in the constraints analysis. In particular, HLC notes the following standards likely pose a constraint on housing and should be addressed in the goals, policies, and programs:

- **Floor Area Ratio** of 0.72 in R-3 districts constrains multi-family homes in this district.
- **Max density** in R-3, SCRO-1, PAOZ-1, and PAOZ-2 zones is too low for the vast majority of affordable housing projects to qualify for tax credits, and it also precludes for-profit developers taking significant advantage of the city's inclusionary housing ordinance. Density in these zones should be increased to at least 50 du/ac.
- **Parking minimums** remain a barrier in the city, though Brisbane's council made some progress by passing an ordinance reducing parking minimums for housing serving disabled populations in 2016.¹¹ Brisbane is a transit rich city, and its parking minimums pose an unnecessary constraint on new homes. Brisbane should remove all parking requirements for housing serving populations with special housing needs and create an overlay zone cutting parking requirements in half for all new homes in all districts within 0.75 miles of a CalTrain station.

¹¹ Chapter 4: [Constraints](#), p. 4; Brisbane City Code Section 17.34.020: [Minimum Parking Requirements](#)

- **Height limits** are identified as a constraint in the housing element in some zoning districts: “In informal discussions with non-profit housing developers regarding the potential to develop city-owned lots for affordable housing in Central Brisbane, a four to five story height limit has been identified as necessary.”¹² But the city does not adequately consider how height limits constrain development throughout its multi-family districts or take any action to address the constraint. Therefore, the city should anticipate housing need by raising height limits in the R-3, SCRO-1, PAOZ-1, and PAOZ-2 zones.

Other constraints may go underanalyzed and unaddressed as well. In order to demonstrate substantial evidence that any of its opportunity sites are realistic, Brisbane will need to make significant changes to its programs to address barriers to development and identify new sites.

Goals, Policies, and Programs

In the following section, HLC describes how Brisbane can strengthen its Goals, Policies, and Programs to more effectively promote low- and very low-income housing as needed to create a viable site inventory. The city already has a number of strong policies and programs in place. However, several programs that would otherwise be adequate lack clear timelines and quantified objectives. Some opportunities to promote affordable housing go unconsidered

New state laws have added new requirements to the goals, policies, and programs section of a housing element. Passed in 2018, AB 1397 requires cities to directly connect policies and programs to the identified needs, governmental constraints, and site inventory, among other analyses.¹³ Another 2018 law, AB 686, implemented Affirmatively Furthering Fair Housing mandates, specifically requiring cities to consider how their goals, policies, and programs can better advance fair housing goals, especially the production of low- and very low-income housing. The specific programs cities implement must include “concrete steps, timelines and measurable outcomes.”¹⁴

As released for public comment, Brisbane’s draft housing element has several policies that meet these criteria, for which the city merits recognition. Program 2.C.1, “Amend the density bonus ordinance,” promises a series of useful improvements to the city’s density bonus laws. Program 2.E.5, “Adopt an ordinance establishing ... a nexus fee applicable to new commercial development to fund affordable housing,” could raise substantial revenue for affordable homes.

However, Brisbane’s goals, policies, and programs include some proposals that indicate the city needs to do more outreach before its housing element merits certification. Program 2.E.1, “Adopt and implement an Affordable Housing Strategic Plan (AHSP),” describes several of the routine actions Brisbane was supposed to have taken before submitting its housing element. All

¹² Chapter 4: [Constraints](#), p. 2

¹³ See, e.g., Gov. Code, § 65583, subds. (b), (c); HCD, Building Blocks, at <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>

¹⁴ HCD’s [Affirmatively Furthering Fair Housing Guidebook](#), p. 55

of the steps that Brisbane describes in this program should have already been taken in order to produce the draft housing element.¹⁵ In order to improve this program, Brisbane should:

- **Commit to issuing an annual Notice of Funding Availability** for a 100% affordable housing development within the first two years of the planning period. The housing element implies the city has current affordable housing funds and proposes to raise further revenue, but presents no clear plan to allocate funding.¹⁶
- **Set a revenue raising goal for Program 2.E.5** to ensure the city raises adequate revenue to finance its affordable housing goals.
- **Identify at least one city-owned site to be dedicated to affordable housing and amend Program 2.E.6.** Commit to issuing a Request for Proposals within the first two years of the planning period and provide a metric for the city's housing goals on the site.
- **Create a community engagement plan to commence immediately**, from now until January 2023, that engages the stakeholders described in Program 2.E.1. Input from these stakeholders should be used to inform other new policies and programs in the housing element once Brisbane receives comments from HCD on its first draft.

Other programs intended to support Brisbane's Affordable Housing Strategic Plan require stronger commitments and deliverables. Program 2.D.1, "Evaluate methods to subsidize the cost of affordable or special needs housing," and Program 2.F.3, "evaluate potential to acquire vacant sites and underdeveloped properties in order to ... land bank for future affordable housing projects," describe significant steps the city might take as part of the AHSP, both of which should have been taken as part of the standard housing element process.

As is, neither program will reliably lead to any new incentives for affordable housing because they both promise to "evaluate" changes, not actually make them. These programs can be improved by making stronger commitments to take specific actions that will subsidize the cost of affordable housing and land bank for future affordable housing.

At times, Brisbane proposes programs with actions that are antithetical to the goals they are supposedly trying to promote, though often with the best of intentions. Program 4.A.1, "Adopt and implement anti-displacement programs," considers some misguided policies while ignoring best practices. The program proposes a local preference for residents in affordable housing. "Local Preference" policies make it impossible for affordable housing developers to qualify for state and federal tax credits, which do not allow exclusion of any kind. As such, this action represents a constraint on housing for the very communities this program attempts to help.

Brisbane can better demonstrate its commitment to protecting renters by promoting a range of best practices. Some proposals that Brisbane could add to Program 4.A.1 include:

- **Increase relocation payments for no-fault evictions** from one month to two months rent. Current state law mandates only one month of relocation benefits for renters, which typically does not cover the full cost and disruption of unplanned moves.

¹⁵ Chapter 5: [Housing Plan](#), p. 10

¹⁶ Chapter 5: [Housing Plan](#), p. 6, 10

- **Extend “just cause for eviction” protections** to tenants from their first day of residency. State law AB 1482 only extends just cause for eviction protections to tenants after one years of residency, exposing many renters to disruptive evictions.
- **Create a rental registry** listing all properties available for rent in the city, especially affordable rentals. Aggregating information about rental availability helps tenants with special housing needs locate the best options to accomodate them.

Several other policies and programs could be added or improved to make affordable housing development in Brisbane more likely, as described below:

- **Add Policy 1.C**, “Promote fair housing by creating incentives for development of affordable housing and special needs housing development.”
- **Add Program 1.C.1**, “Rightsize parking,” to allow
 - a. Halve parking minimums for all developments located within 0.5 miles of a CalTrain station or the Camino Real commercial corridor.
 - b. Eliminate parking minimums entirely for all units made accessible to those with mental or physical disabilities. Members of disabled groups are less likely to drive, so the city can easily cut costs and promote more affordable housing choices by allowing facilities to rightsize parking.
- **Add Program 1.C.2**, “Affordable housing overlay zone,” to create an overlay zone that
 - a. Eliminates parking requirements, floor area ratio, density limits, and lot coverage maximums for 100% affordable housing developments in which at least 60% of homes serve lower-income households, to apply throughout the R-1, R-2, R-3, NCRO-1, NCRO-2, SCRO-1 zones.
 - b. Increases height limits to 45 feet for 100% affordable housing developments as previously described in this program.
 - c. Waives or defers impact fees for 100% affordable housing developments as previously described in this program.
 - d. Expedites permit processing and environmental review for 100% affordable housing developments as previously described in this program.
- **Add Program 1.C.3**, “Allow housing on sites with institutional uses.”
 - a. Apply Brisbane’s housing overlay zone (as described in the prior policy) to all sites used for institutional purposes, such as educational facilities and churches, regardless of underlying zoning.
- **Amend Program 2.D.2**, “encourage development of ADUs and junior ADUs,” to include
 - a. Create preapproved ADU designs which receive by-right approval and expedited permit processing. This program has been included in many San Mateo County housing elements, from smaller communities like Portola Valley and Atherton to larger cities like Redwood City.
 - b. Waive impact fees for ADUs with at least 15-year deed restrictions for low- or very low-income housing. In order to justify its projections for affordable ADUs, Brisbane needs substantial new policies to promote ADU production of lower-income housing.
- **Amend Program 2.A.2**, “Adopt the Baylands/Specific Plan,” to
 - a. Expedite approval of the Baylands Specific Plan by the end of 2023

- b. Expedite all relevant permit processing for the Baylands project
- c. Expedite any supplemental environmental review of the Baylands so as to ensure remediation can occur as rapidly as possible.
- d. Offer concessions and waivers to the Baylands pursuant to density bonus law.
- **Add Program 2.A.7, "Update Zoning Code," to**
 - a. Increase allowable building heights to 50 feet in NCRO-2, SCRO-1, PAOZ-1, and PAOZ-2 zones. Increase allowable building height to 35 feet in R-3 zones.
 - b. Increase allowable density to
 - 100 dwelling units per acre in NCRO-2 and SCRO-1 zones
 - 50 dwelling units/acre in PAOZ-1 and PAOZ-2 zones
 - 35 dwelling units/acre in R-3 zones
 - c. Increase FAR to 3 in R-3 zones.

All of the above programs should be implemented as early in the planning period as possible, particularly the zoning code updates that will make new homes much more feasible to build. The draft housing element may benefit from adoption or adjustment of other policies as well, which HLC may recommend in the coming months as we review the document more closely.

HLC wants to be a partner to the city, sharing our collective knowledge of state law and best practices to facilitate fair housing. Please contact me or other HLC staff if you would like to talk further about how Brisbane can identify and implement policies that will best meet the community's needs.

Thank you for your consideration,



Jeremy Levine

Policy Manager, Housing Leadership Council of San Mateo County

Question/Comment via website

Ronald <brisbaneca@municodeweb.com>

Fri 9/9/2022 1:40 PM

To: Ayres, Julia <jayres@ci.brisbane.ca.us>

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Submitted on Friday, September 9, 2022 - 1:40pm

Submitted by anonymous user: 207.62.246.90

Submitted values are:

First Name Ronald

Last Name Colonna

Phone Number 658-533-6748

Email Address rcolonna@brisbane.ca.us

Is this related to Brisbane's Draft 2023-2031 Housing Element? Yes

Would you like all or part of the draft Housing Element to be translated to Simplified Chinese or Spanish? No

Question/Comment

As a long time resident of Paul Ave. I am asking that some attention by the Draft 2023-2031 Housing Element be paid to state which property owners had placed on them by actions of the City. That state is one of inaction because of the imposition of excessive conditions/ costs under which anything can be done. Prior to a city council action - done on the spur of the moment many years ago, because of the city attorney's interjection when it became apparent that a group of property owners were intent on moving forward with development - lots in the Acres were treated the same as lots in the City Proper survey area: one had to improve the street in front of his/her lot as a condition of moving forward. Now, any lot on Margaret or Paul has to improve ALL of Margaret and ALL of Paul Avenues in order to move forward.

For those wanting open space at any cost to others this was a marvelous solution, and it had all the honorable justifications on its face, such as 'excessive slopes, no fire truck turn-around, environmental sensitivity, etc.

Some points in fact: 1) There have been full sized fire trucks up there (a small fire at what is now 91 Paul Ave. many years ago). All the emergency vehicles were able to leave by backing down to the Paul/Margaret intersection to turn around. Just this past year a full sized fire truck accessed Paul Ave. for testing street access purposes and retreated without incident. (For that matter a proper turn-around could be accomplished at the location where the Paul Ave. water tank had been located (that tank's handling by the City is a whole other story).

2) There are many houses on the upper City Proper streets that are on slopes equal to and far-in-excess-of slopes on Paul and Margaret. In other words, slope acceptance for individual lots should be based on the lot itself and not on a blanket inclusion in a survey section - as the council did in its distinction regarding street improvement requirements.

3) The environmental concerns involved are environmental conceits of a few that have been easily adopted by others once it's clear that there will be no cost to any of them. Example: Do the right/ legal

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thing and pay the market price for the properties that are so desired: No way. The entire community would likely never agree to spending the relatively small amount assessed to each for these treasures when it's confided to them that, though the 'taking' of these property rights is illegal, if it can be done by 'hook or crook' at great expense to those with the foresight to have purchased those rights - then so be it ! (I recognize the 'back-handed compliment' that any attempted theft confers in recognizing the foresight.)

I am desirous that a study be done - one done soon - so that people can move forward.

Whether I'm dealing with a City that has purchased the vacant lots at market value or the individuals owning them, we can move forward on improvements if some honest resolutions are found.

An aside: I don't believe that the City, or the involved property owners, or the people walking the paths up the mountain would want to see the streets developed to the fullest extent that the codes ask. Neither aesthetically, nor financially. There's a small developed area on a hillside in Orinda in which they did such, and it looks terrible and out-of-place.....

Thank you.

The results of this submission may be viewed at:

<https://www.brisbaneca.org/node/15871/submission/10505>

Question/Comment via website

Peter <brisbaneca@municodeweb.com>

Fri 9/9/2022 1:51 PM

To: Ayres, Julia <jayres@ci.brisbane.ca.us>

This message was sent from outside the company by someone with a display name matching a user in your organization.
Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Submitted on Friday, September 9, 2022 - 1:51pm

Submitted by anonymous user: 24.4.153.254

Submitted values are:

First Name Peter

Last Name Sutherland

Phone Number [REDACTED]

Email Address [REDACTED]@hotmail.com

Is this related to Brisbane's Draft 2023-2031 Housing Element? Yes

Would you like all or part of the draft Housing Element to be translated to Simplified Chinese or Spanish?

Question/Comment

This is concerning the potential development of the Lower Acres section of the 2023-2031 Draft Housing Element. I would like to expand and elaborate on the following section of the draft survey I recently completed and submitted:

"Encourage preservation of privately-owned parcels in the Residential Brisbane Acres (R-BA) zoning district by allowing the development potential of those parcels to be transferred to other sites in the City that are more suitable for residential development (e.g., sites without sensitive habitat, sites with existing street and utility infrastructure, sites near community amenities). (See Draft Housing Element Program 2.G.1)"

I think the above is a very good idea. However, as in the purchase of the former Bank of America site, I would greatly welcome and support the purchase of said, privately owned lots by the City of Brisbane, if a land swap cannot be achieved or is not viable. There are several very important reasons to support such actions: 1. The lower acres is now a natural, forested habitat for extensive and diverse wildlife such as owls, falcons, grey foxes, endangered butterflies, opossums, coyotes, skunks, rare plants, etc. Development will, more likely than not, drive wildlife further down the hill into our established streets and backyards - as opposed to further up the (very steep) hill. 2. Clearing trees, forest, and brush for development will facilitate mudslides and floods - not covered by homeowner's insurance policies. Ground and soil quality has been proven to be subpar in previous mudslide incidents. Large storms, hurricanes, and super-storms are most certainly in our future (<https://www.nytimes.com/interactive/2022/08/12/climate/california-rain-storm.html>). Those that live downhill could also suffer big consequences. 3. Increased vulnerability, fatality and liability in fire situations. In order to support infrastructure and other services, many big and expensive homes will need to be built on the Lower Acres which will certainly include numerous vehicles per household. In the event of fire, which has happened several times before on our hill, large amounts of vehicles will be flooding Kings Rd., Humboldt, Margaret, Glenn Park, Paul, San Mateo, etc, - mostly on single lane

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roads- including police SUVs, fire trucks, large SUVs, trucks, etc. Chaos and potential injury/death is the most likely outcome in this scenario. Single lane streets simply cannot support a proper and timely evacuation under such devastating and disastrous circumstances. 4. Increased traffic on single lane, and narrow roads- both before and after construction- will heavily impede access for existing residents of the upper Brisbane streets. Delivery, mail, moving, and construction trucks and vehicles are often already an impediment on the aforementioned streets. Full-scale street blockage is also a familiar phenomenon and all would only increase in occurrences.

Lastly, I would like to bring attention to above-mentioned issues and considerations for the future development of other areas of Brisbane that would be affected in a similar fashion which, unfortunately, I know less about, but may have similar, negative consequences as a result of significant development. Thank you for your consideration...

The results of this submission may be viewed at:

<https://www.brisbaneca.org/node/15871/submission/10506>

DRAFT

APPENDIX E

CITY'S RESPONSES TO PUBLIC COMMENTS

Nine comment emails or letters were received during the public comment period, from 8/8/22 to 9/9/22. These are provided separately within this Appendix and included:

1. Dolores Gomez (8/15/22)
2. Dana Dilworth (8/25/22)
3. Transform (8/23/22)
4. Anthony Lavaysse (8/26/22)
5. San Mateo Anti-displacement Coalition (SMADC) (9/9/22)
6. Campaign for Fair Housing Elements and YIMBY Law (9/9/22)
7. Housing Leadership Council (9/9/22)
8. Ronald Colonna (9/9/22)
9. Peter Sutherland (9/9/22)

The following provides a brief synopsis of the comments and the City's response.

DOLORES GOMEZ

Dolores Gomez questioned water supply and traffic impacts within central Brisbane. Note that the rezoning to provide for housing where it is not already permitted is planned for the Baylands only.

DANA DILWORTH

Dana Dilworth provided various comments related to CEQA. Note that the City's CEQA determination is that the Housing Element is exempt, per CEQA Guidelines §15061(b)(3) because it involves adoption of policies and programs that would not cause a significant effect on the environment and per Section 15183(d) for proposed and existing zoning programs, including those to meet the RHNA shortfall. Additionally, the Housing Element would not reduce the environmental protections within the San Bruno Mountain Habitat Conservation Plan area.

TRANSFORM

Transform requested specific parking and transportation demand management (TDM) reforms, to drive less, and noted the importance of program strategies to support more affordable homes, such as 2.D.1 and 2.E.1. The comments are noted. The program to review parking 6.A.5 and the related program 6.B.1 to develop TDM policy is sufficiently inclusive to address Transform's comments through the future study to follow. Typographic errors in the parking table 4.1 have been corrected.

ANTHOINY LAVAYSSE

Anthony Lavaysse requested provision of labor standards for housing construction workers.

SMADC

SMADC requests a just cause eviction ordinance. In response, a new anti-displacement program has been included and prioritized for 2023, Program 4.A.14, “Adopt a just cause eviction ordinance to protect renters from arbitrary and unjustified evictions.”

CAMPAIGN FOR FAIR HOUSING ELEMENTS AND YIMBY LAW

Comments were made about the opportunities and challenges in meeting the housing need, especially the opportunity provided by the Baylands. Per government code section 65583(b) the quantified objectives provided in Section 5.1 of the Housing Element provide a best estimate of actual production and are not required to match the RHNA. The typographic error referencing Program 3.E.1 has been changed to 2.E.1.

HOUSING LEADERSHIP COUNCIL

HLC takes issue with the City’s reliance on the Parkside PAOZ-1 and PAOZ-2 and the Baylands areas for meeting the RHNA.

The Parkside areas are non-vacant sites, developed with aging warehouses, and were rezoned to allow for housing within the last Housing Element period, 5th cycle RHNA. These sites are consistent with Government Code Section 65583.2 which provides that the City may use nonvacant sites for up to 50 percent of the lower income housing need, provided the site zoning accommodates development at a density of at least 20 dwelling units per acre (du/ac; ref. Govt Code Section 65582.2(c)(3)(B)). The minimum density in the PAOZ-1 district is 20 du/ac and the minimum density in the PAOZ-2 district is 24 du/ac. They also meet the requirements of Gov’t Code Section 65583.2(c) which allows the City to use nonvacant sites identified in a previous housing element providing that the sites are zoned to permit by-right developments in which at least 20% of the units are affordable to low-income households, as residential development in the PAOZ districts are permitted by-right without discretionary review (ref: BMC Chapter 17.27)

The portion of the Baylands subarea identified for rezoning in this Housing Element is vacant, as defined by HCD’s Site Inventory Guidebook, and will be rezoned, via Specific Plan adoption, within the first 3 years of this 6th cycle RHNA, to meet the requirements of Section 65583.2(c)(3)(B), per Program 2.A.2 and 2.B1.

The Baylands accommodates the majority of the City’s RHNA and its development will approximately double the size of the City’s population, with either the minimum of 1,800 new housing units or the owner-developer proposed 2,200 new housing units. The owner-developer



submitted a draft Specific Plan in the Spring of 2022 proposing development of 2,200 units and has indicated their readiness to move forward with development upon its adoption.

The Draft Specific Plan submitted by the developer identifies residential construction in the first phase of project buildout. The State Department of Toxic Substances Control and the Regional Water Quality Control Board have also approved remedial action plans for the land areas proposed to be developed with residential uses. Regarding HLC's comments on other programs, the City contends that the proposed programs meet the State Housing Element law, both in letter and intent. While there are some programs that direct that the City will study an item, such as parking via Program 6.A.5, and therefore do not have firm a commitment to adopt a specific standard, these are additional voluntary initiatives that go above and beyond state requirements.

Finally, a number of programs are suggested by HLC to rezone Central Brisbane zoning districts and the surrounding residential districts. As detailed in the draft Housing Element, these areas are predominately made up of small sites under separate ownerships, and are largely nonvacant or have other constraints. Therefore, even with aggressive adjustments to development standards, these sites would not be likely to redevelop and are not a viable means to accommodate the City's RHNA.

RONALD COLONNA

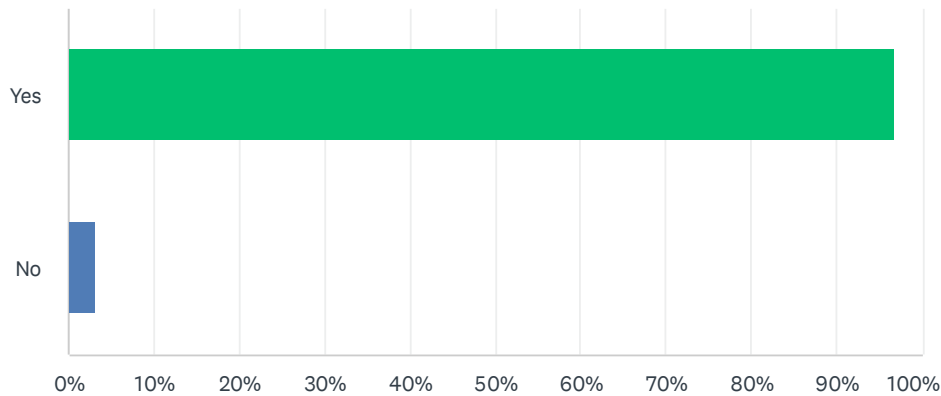
It's noted that Ronald Colonna expressed concerns about past actions related to the Brisbane Acres and requested a study be done related to acquisition of open space and housing.

PETER SUTHERLAND

Peter Sutherland expressed support for the program to consider density transfer from the Brisbane Acres to other districts.

Q1 Are you a Brisbane resident?

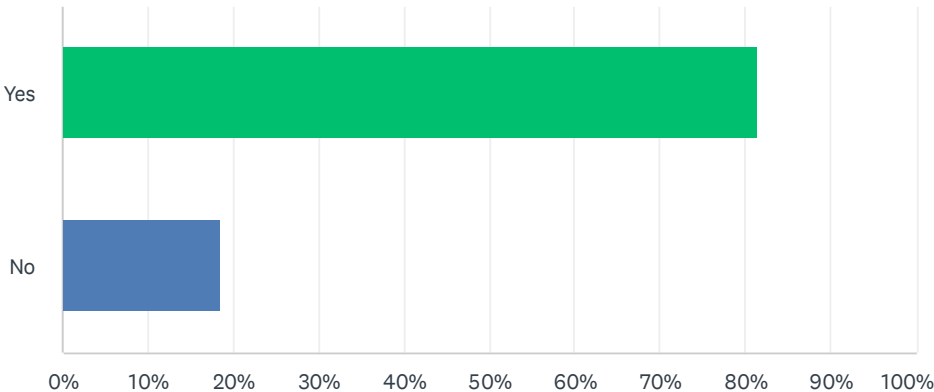
Answered: 126 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	96.83%	122
No	3.17%	4
TOTAL		126

Q2 Do you own your place of residence?

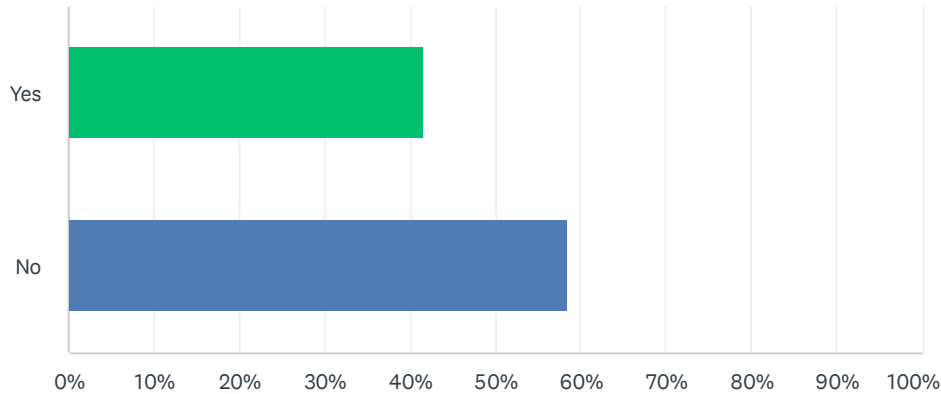
Answered: 119 Skipped: 7



ANSWER CHOICES		RESPONSES	
Yes		81.51%	97
No		18.49%	22
TOTAL			119

Q3 Have you considered adding an accessory dwelling unit to your property?

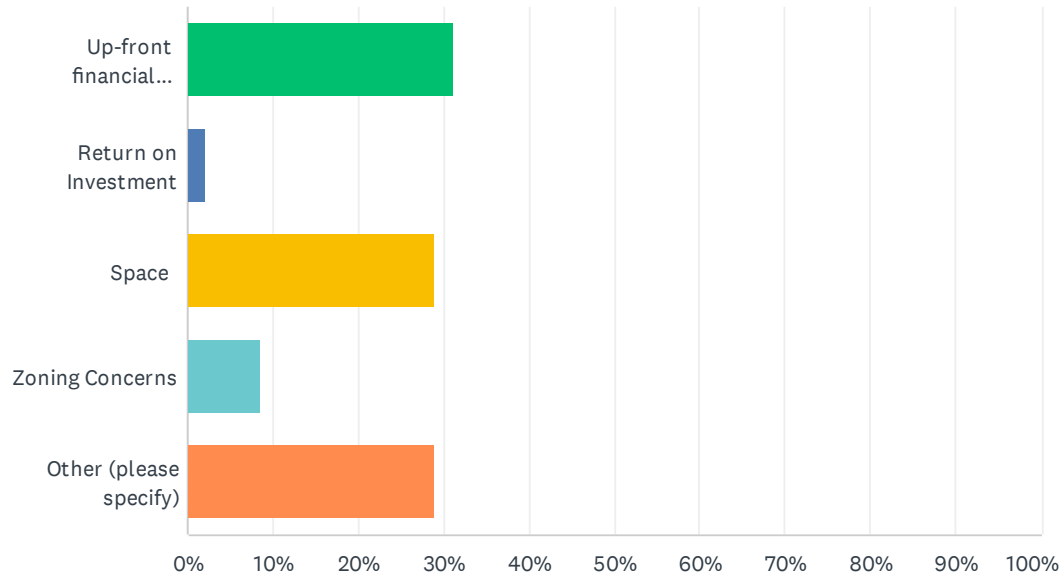
Answered: 94 Skipped: 32



ANSWER CHOICES		RESPONSES	
Yes		41.49%	39
No		58.51%	55
TOTAL			94

Q4 What do you see as the biggest impediment to adding an Accessory Dwelling Unit (ADU)?

Answered: 93 Skipped: 33



ANSWER CHOICES	RESPONSES	
Up-front financial concerns	31.18%	29
Return on Investment	2.15%	2
Space	29.03%	27
Zoning Concerns	8.60%	8
Other (please specify)	29.03%	27
TOTAL		93

#	OTHER (PLEASE SPECIFY)	DATE
1	Knowing where to start - > engineer, architect, etc	9/28/2022 12:19 PM
2	I live on the Ridge. Option not available	9/24/2022 6:08 AM
3	parking	9/20/2022 12:27 PM
4	Planning to move in the next few years and don't wish to make this investment.	9/14/2022 1:44 PM
5	impact on parking	9/12/2022 11:11 AM
6	Parking	9/10/2022 1:01 PM
7	We do have an ADU already.	9/8/2022 5:15 PM
8	all of the above + privacy	9/8/2022 12:14 PM
9	Definitely PARKING	9/8/2022 12:12 PM
10	Space; small house; not interested	9/8/2022 11:30 AM

Housing Element Survey

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8/11/2022 - 9/23/2022

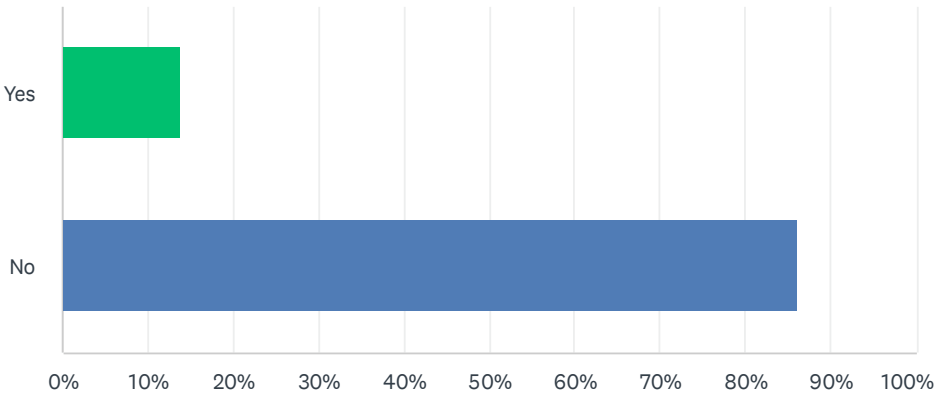
The city not letting us have 80 units within our home without building out the footprint. No I cant you have two ADS? If you're not building out of the footprint?

9/6/2022 2:07 PM

12	live in condo	9/4/2022 4:32 PM
13	We do not want an ADU	9/2/2022 8:06 AM
14	up front financial concerns, return on investment; PUD's + HOA condos don't allow for ADU's. Brisbane parking spaces are inadequate & will get worse.	8/30/2022 2:43 PM
15	I don't want additional folks living on my property	8/29/2022 11:47 AM
16	I already have an ADU	8/27/2022 9:29 PM
17	No need	8/22/2022 11:36 PM
18	misuse of ADUs for the purposes of short-term rentals (either using the ADU as a short-term rental or using your house as a short-term rental after moving into the ADU), parking, additional demands for scarce water supplies, etc.	8/21/2022 1:25 PM
19	Can't	8/21/2022 12:38 PM
20	Parking	8/21/2022 8:21 AM
21	having the time to figure out all of the above, and etc.	8/20/2022 9:57 PM
22	City restrictions	8/20/2022 6:17 AM
23	not enough parking already	8/18/2022 7:34 PM
24	Large easement	8/18/2022 6:14 PM
25	Finances, privacy concerns, not wanting a tenant	8/18/2022 6:46 AM
26	Bad tenants	8/15/2022 8:30 PM
27	Parking for autos	8/12/2022 3:20 PM

Q5 Are you are having difficulty maintaining your home due to costs?

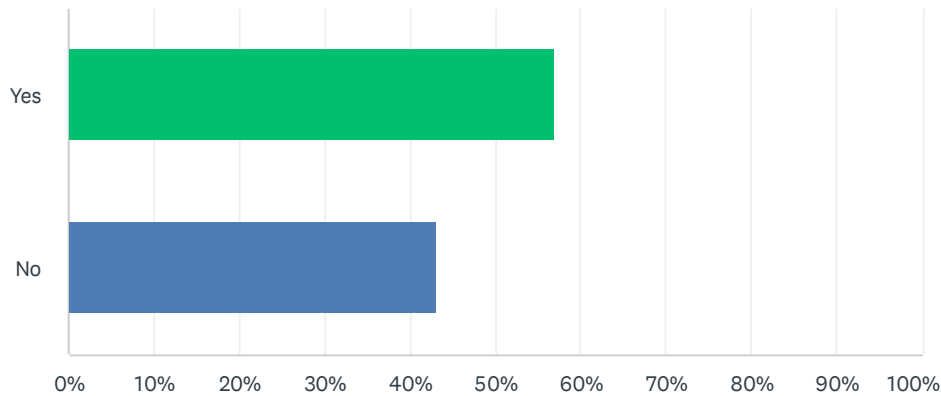
Answered: 94 Skipped: 32



ANSWER CHOICES	RESPONSES	
Yes	13.83%	13
No	86.17%	81
TOTAL		94

Q6 Would you would like to make energy improvements to your home, but are delaying due to affordability?

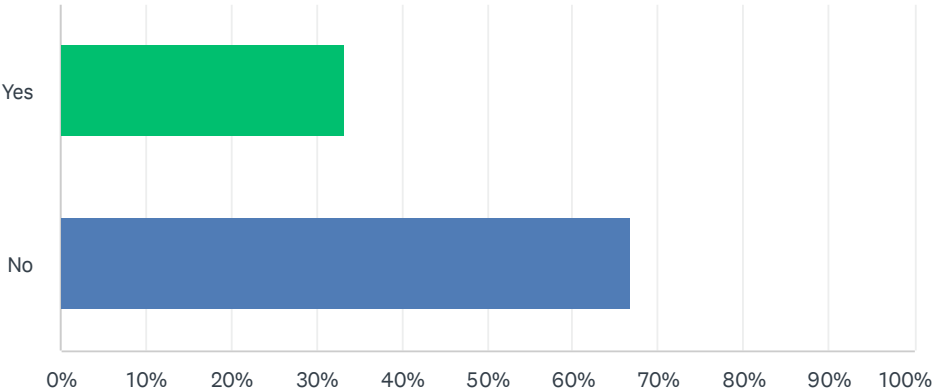
Answered: 95 Skipped: 31



ANSWER CHOICES		RESPONSES	
Yes		56.84%	54
No		43.16%	41
TOTAL			95

Q7 If renting, do you feel that you are at risk of displacement due to rising rental rates?

Answered: 54 Skipped: 72

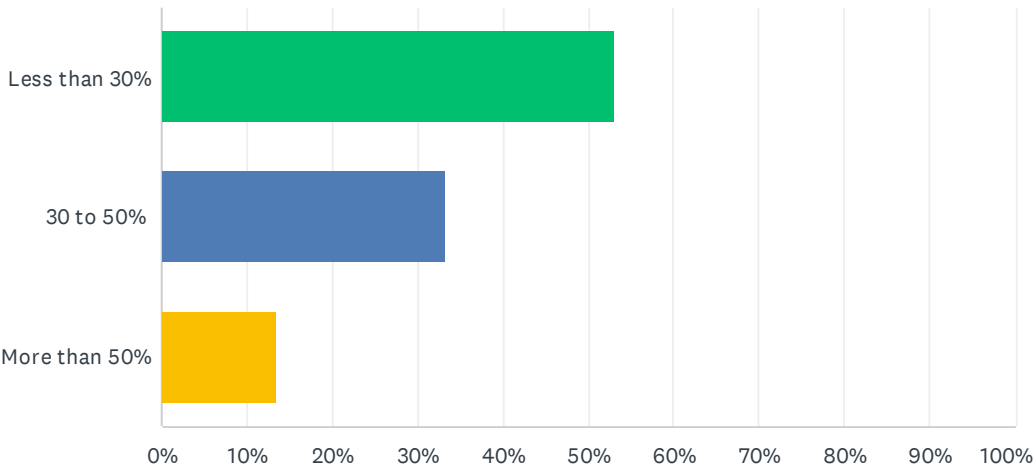


ANSWER CHOICES		RESPONSES	
Yes		33.33%	18
No		66.67%	36
TOTAL			54

P.

Q8 How would you characterize your housing costs relative to your household income, either rent or house payment including taxes and insurance?

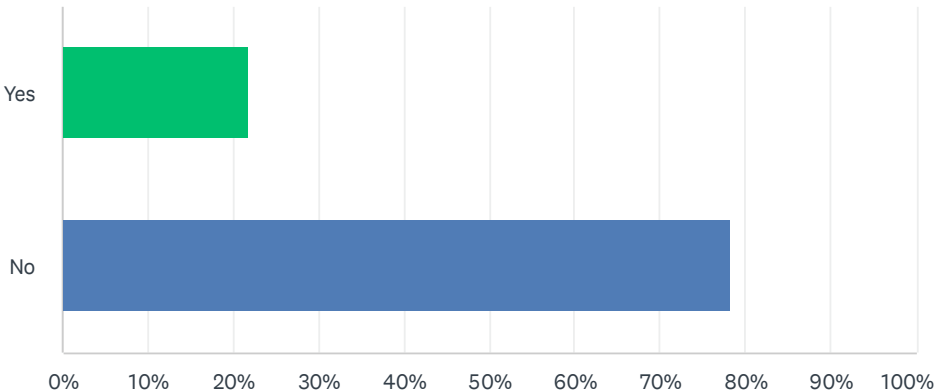
Answered: 111 Skipped: 15



ANSWER CHOICES	RESPONSES	
Less than 30%	53.15%	59
30 to 50%	33.33%	37
More than 50%	13.51%	15
TOTAL		111

Q9 Do you work in Brisbane?

Answered: 120 Skipped: 6

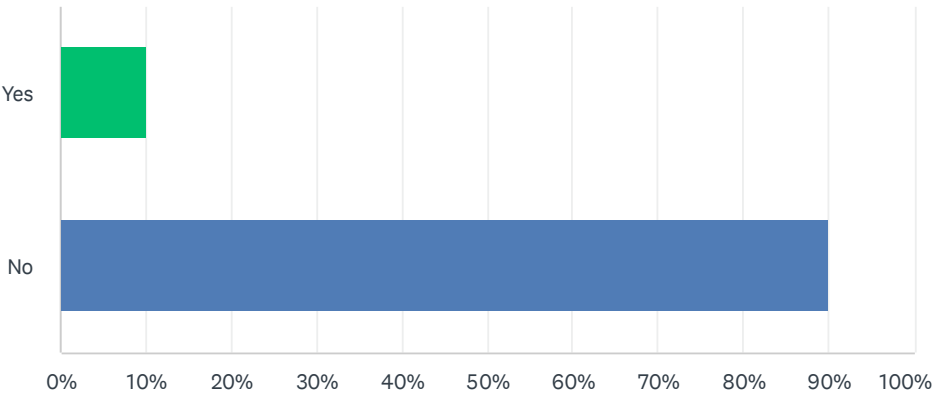


ANSWER CHOICES		RESPONSES	
Yes		21.67%	26
No		78.33%	94
TOTAL			120

P.

Q10 Are you a landlord or residential property manager in Brisbane?

Answered: 120 Skipped: 6

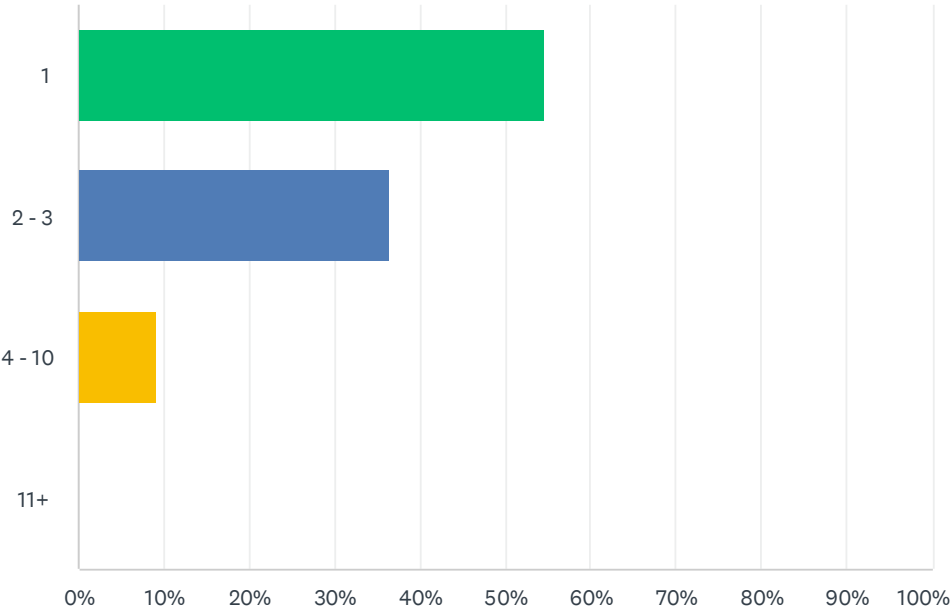


ANSWER CHOICES		RESPONSES	
Yes		10.00%	12
No		90.00%	108
TOTAL			120

P.

Q11 How many residential housing units do you manage or own in Brisbane?

Answered: 11 Skipped: 115

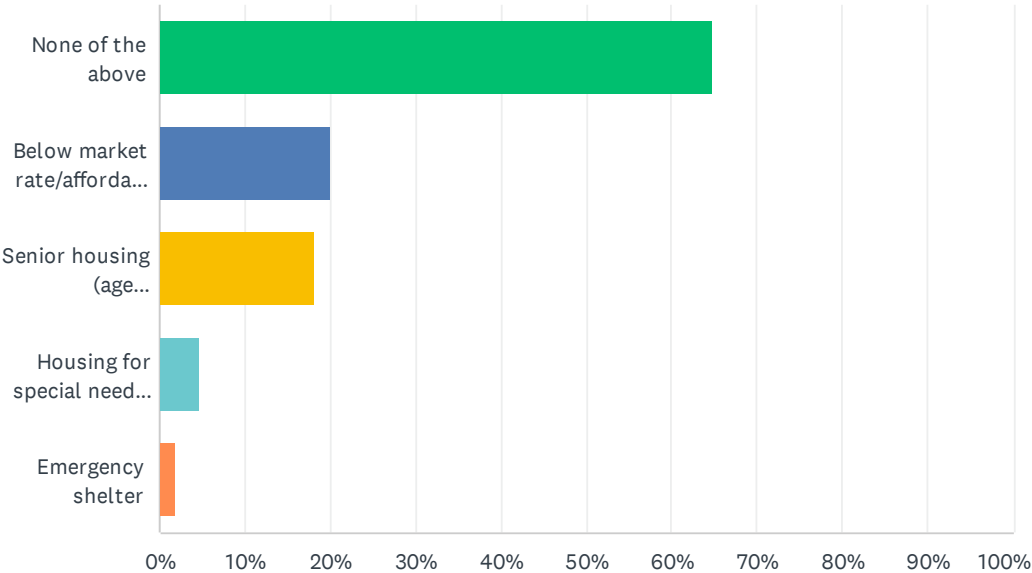


ANSWER CHOICES	RESPONSES	
1	54.55%	6
2 - 3	36.36%	4
4 - 10	9.09%	1
11+	0.00%	0
TOTAL		11

P.

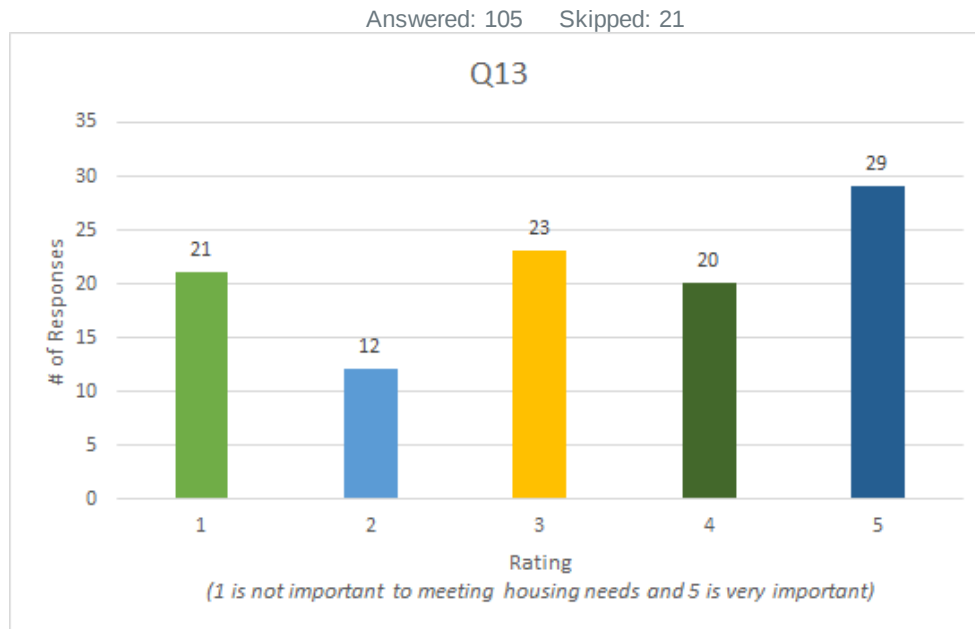
Q12 Are you, or is someone you know, seeking housing in Brisbane that fits in one or more of the following categories (check all that apply):

Answered: 105 Skipped: 21



ANSWER CHOICES	RESPONSES	
None of the above	64.76%	68
Below market rate/affordable (deed restricted)	20.00%	21
Senior housing (age restricted)	18.10%	19
Housing for special needs (disability, etc.)	4.76%	5
Emergency shelter	1.90%	2
Total Respondents: 105		

Q13 Study zoning districts that allow residential development where reducing minimum lot sizes may be appropriate to encourage development of tiny homes, row-homes, bungalows, or other similar small-scale housing developments. (See Draft Housing Element Program 2.A.5)



Total Respondents: 105

#		DATE
1	3	9/28/2022 12:21 PM
2	4	9/28/2022 12:18 PM
3	5	9/28/2022 12:16 PM
4	2	9/28/2022 12:13 PM
5	4	9/24/2022 9:39 AM
6	5	9/23/2022 7:33 PM
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10	5	9/20/2022 12:32 PM
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13	5	9/19/2022 1:33 PM
14	1	9/14/2022 1:54 PM
15	4	9/14/2022 1:46 PM
16	5	9/13/2022 11:31 AM

Housing Element Survey

8/11/2022 - 9/23/2022

P.

	5	9/13/2022 11:28 AM
18	1	9/13/2022 11:26 AM
19	3	9/13/2022 11:23 AM
20	3	9/13/2022 11:22 AM
21	5	9/12/2022 11:17 AM
22	3	9/12/2022 11:12 AM
23	3	9/9/2022 8:04 PM
24	4	9/8/2022 5:19 PM
25	5	9/8/2022 12:31 PM
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Housing Element Survey

8/11/2022 - 9/23/2022

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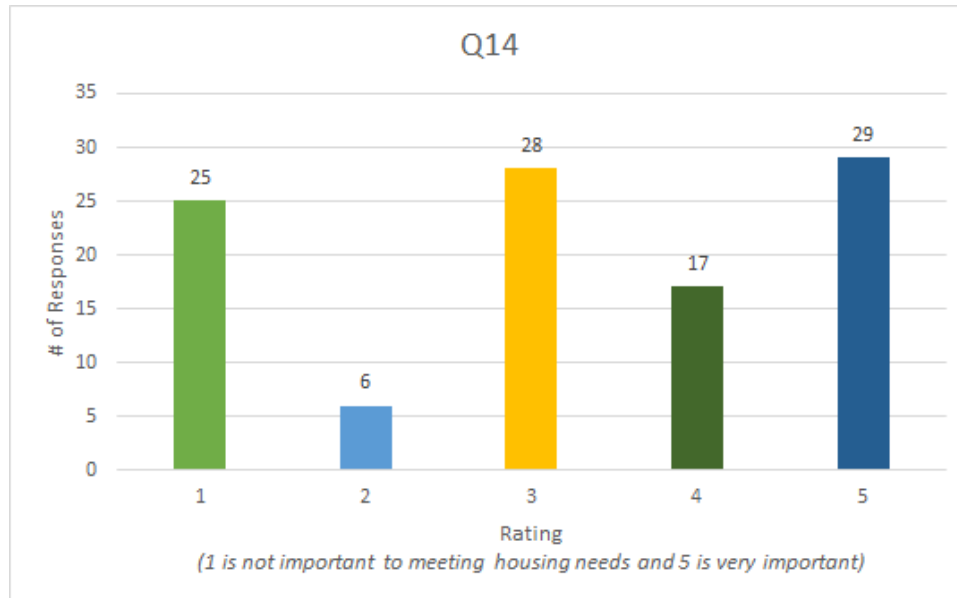
Housing Element Survey

8/11/2022 - 9/23/2022

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103	3	8/12/2022 6:47 PM
104	4	8/12/2022 5:07 PM
105	5	8/11/2022 5:21 PM

Q14 Encourage the production of accessory dwelling units (ADUs) by funding a loan program to help offset the cost of ADU construction or adopting fee waivers. (See Draft Housing Element Program 2.D.2)

Answered: 105 Skipped: 21



Total Respondents: 105

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18	2	9/13/2022 11:26 AM

Housing Element Survey

8/11/2022 - 9/23/2022

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Housing Element Survey

8/11/2022 - 9/23/2022

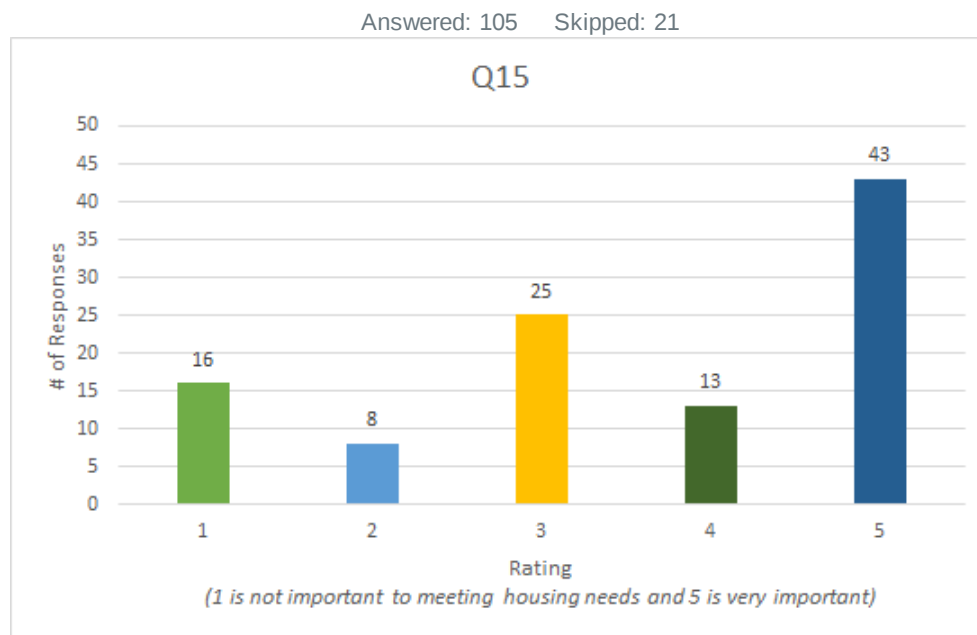
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Housing Element Survey

8/11/2022 - 9/23/2022

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102	5	8/12/2022 6:53 PM
103	1	8/12/2022 6:47 PM
104	1	8/12/2022 5:07 PM
105	5	8/11/2022 5:21 PM

Q15 Encourage preservation of privately-owned parcels in the Residential Brisbane Acres (R-BA) zoning district by allowing the development potential of those parcels to be transferred to other sites in the City that are more suitable for residential development (e.g., sites without sensitive habitat, sites with existing street and utility infrastructure, sites near community amenities). (See Draft Housing Element Program 2.G.1)



Total Respondents: 105

#		DATE
1	5	9/28/2022 12:21 PM
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15	3	9/14/2022 1:46 PM

Housing Element Survey

8/11/2022 - 9/23/2022

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37	5	9/6/2022 2:18 PM
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Housing Element Survey

8/11/2022 - 9/23/2022

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Housing Element Survey

8/11/2022 - 9/23/2022

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Q16 Increase the housing options for low income households with Housing Choice Vouchers in Brisbane by launching an education/outreach campaign targeting landlords/managers. (See Draft Housing Element Program 3.B.1)

Answered: 105 Skipped: 21



Total Respondents: 105

#		DATE
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Housing Element Survey

8/11/2022 - 9/23/2022

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Housing Element Survey

8/11/2022 - 9/23/2022

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85	1	8/18/2022 7:40 PM
86	5	8/18/2022 6:58 PM
87	5	8/18/2022 6:18 PM
88	4	8/18/2022 1:49 PM
89	3	8/18/2022 1:20 PM
90	4	8/18/2022 1:16 PM
91	4	8/18/2022 1:07 PM
92	4	8/18/2022 1:03 PM
93	3	8/18/2022 6:54 AM

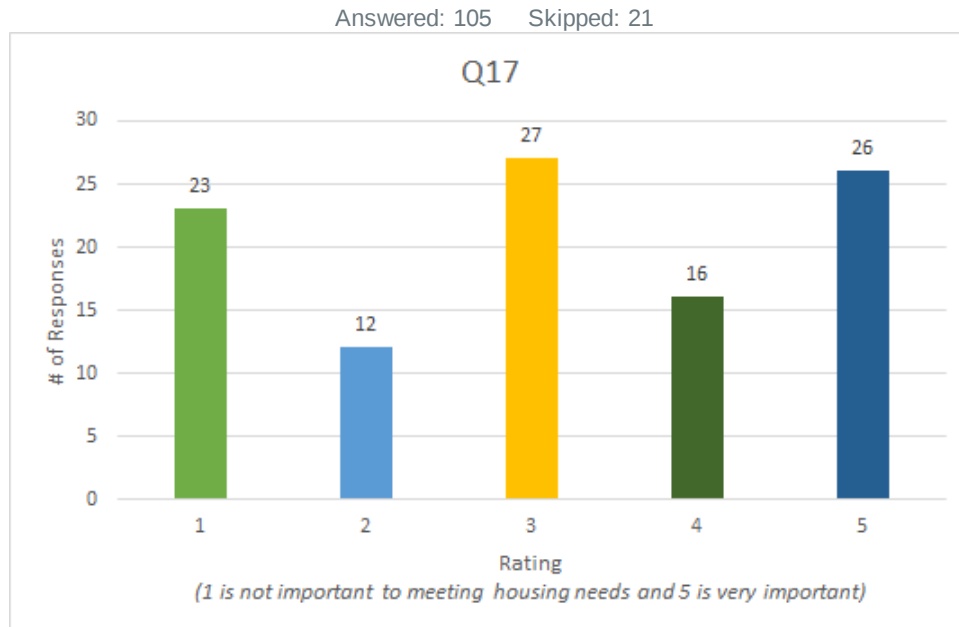
Housing Element Survey

8/11/2022 - 9/23/2022

P.

	4	8/15/2022 8:39 PM
95	4	8/15/2022 12:30 PM
96	4	8/15/2022 11:35 AM
97	2	8/13/2022 11:47 PM
98	4	8/13/2022 7:36 PM
99	1	8/13/2022 12:59 AM
100	2	8/12/2022 8:21 PM
101	5	8/12/2022 8:00 PM
102	2	8/12/2022 6:53 PM
103	4	8/12/2022 6:47 PM
104	1	8/12/2022 5:07 PM
105	2	8/11/2022 5:21 PM

Q17 Reduce housing discrimination by providing fair housing training for landlords and tenants, and to provide training on financial literacy and housing counseling services for tenants. (See Draft Housing Element Program 4.A.3)



Total Respondents: 105

#		DATE
1	5	9/28/2022 12:21 PM
2	1	9/28/2022 12:18 PM
3	5	9/28/2022 12:16 PM
4	5	9/28/2022 12:13 PM
5	5	9/24/2022 9:39 AM
6	2	9/23/2022 7:33 PM
7	4	9/23/2022 6:40 PM
8	2	9/22/2022 1:30 PM
9	3	9/20/2022 12:36 PM
10	1	9/20/2022 12:32 PM
11	1	9/20/2022 12:30 PM
12	4	9/19/2022 5:30 PM
13	1	9/19/2022 1:33 PM
14	1	9/14/2022 1:54 PM
15	3	9/14/2022 1:46 PM
16	5	9/13/2022 11:31 AM
17	2	9/13/2022 11:28 AM

Housing Element Survey

8/11/2022 - 9/23/2022

P.

	4	9/13/2022 11:26 AM
19	5	9/13/2022 11:23 AM
20	4	9/13/2022 11:22 AM
21	3	9/12/2022 11:17 AM
22	5	9/12/2022 11:12 AM
23	5	9/9/2022 8:04 PM
24	3	9/8/2022 5:19 PM
25	3	9/8/2022 12:31 PM
26	3	9/8/2022 12:29 PM
27	1	9/8/2022 12:22 PM
28	1	9/8/2022 12:20 PM
29	3	9/8/2022 12:17 PM
30	1	9/8/2022 12:13 PM
31	4	9/8/2022 12:11 PM
32	1	9/8/2022 12:09 PM
33	3	9/8/2022 12:07 PM
34	4	9/8/2022 11:36 AM
35	3	9/6/2022 3:45 PM
36	1	9/6/2022 3:30 PM
37	1	9/6/2022 2:18 PM
38	5	9/4/2022 10:54 PM
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51	3	8/29/2022 11:51 AM
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Housing Element Survey

8/11/2022 - 9/23/2022

P.

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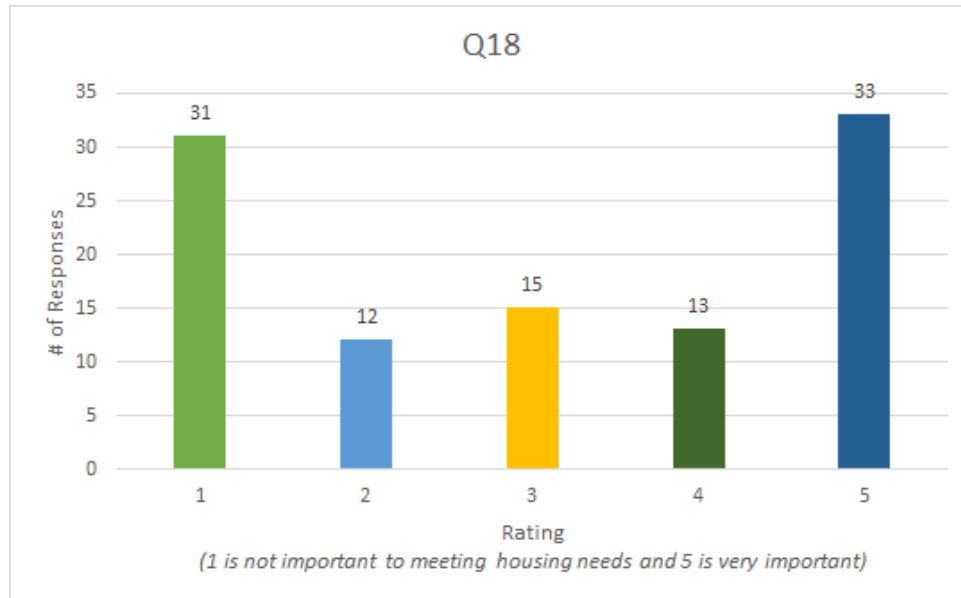
Housing Element Survey

8/11/2022 - 9/23/2022

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98	3	8/13/2022 7:36 PM
99	1	8/13/2022 12:59 AM
100	2	8/12/2022 8:21 PM
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102	2	8/12/2022 6:53 PM
103	3	8/12/2022 6:47 PM
104	1	8/12/2022 5:07 PM
105	2	8/11/2022 5:21 PM

Q18 Study whether residential rent control provisions State law may be appropriate in Brisbane to help prevent displacement of renters. (See Draft Housing Element Program 4.A.7)

Answered: 105 Skipped: 21



Total Respondents: 105

#		DATE
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10	1	9/20/2022 12:32 PM
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14	3	9/14/2022 1:54 PM
15	3	9/14/2022 1:46 PM
16	5	9/13/2022 11:31 AM
17	1	9/13/2022 11:28 AM
18	1	9/13/2022 11:26 AM

Housing Element Survey

8/11/2022 - 9/23/2022

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23	5	9/9/2022 8:04 PM
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Housing Element Survey

8/11/2022 - 9/23/2022

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Housing Element Survey

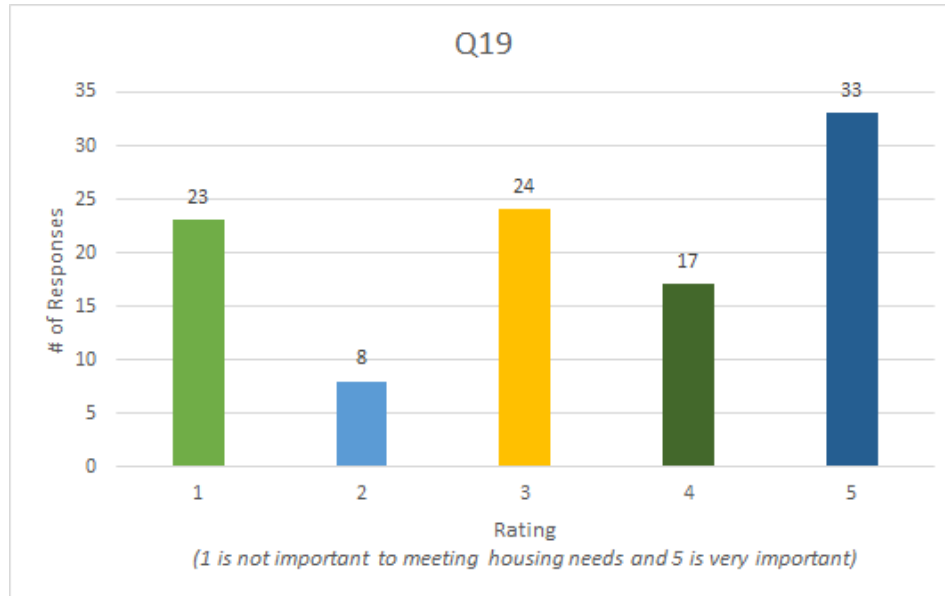
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102	1	8/12/2022 6:53 PM
103	4	8/12/2022 6:47 PM
104	1	8/12/2022 5:07 PM
105	2	8/11/2022 5:21 PM

Q19 Imposing special fees on new commercial development that the City can use to fund the development of new housing for lower income residents or to help lower income residents stay in their existing housing?

Answered: 105 Skipped: 21



Total Respondents: 105

#		DATE
1	4	9/28/2022 12:21 PM
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17	3	9/13/2022 11:28 AM
18	5	9/13/2022 11:26 AM

Housing Element Survey

8/11/2022 - 9/23/2022

P.

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41	3	9/3/2022 3:18 PM
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43	4	9/2/2022 11:28 AM
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45	3	9/2/2022 11:15 AM
46	5	9/2/2022 11:11 AM
47	3	9/2/2022 8:14 AM
48	2	9/1/2022 6:18 PM
49	4	8/30/2022 4:27 PM
50	1	8/30/2022 2:47 PM
51	1	8/29/2022 11:51 AM
52	3	8/28/2022 5:46 PM
53	1	8/27/2022 9:36 PM
54	5	8/27/2022 8:30 PM
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56	2	8/27/2022 4:50 PM

Housing Element Survey

8/11/2022 - 9/23/2022

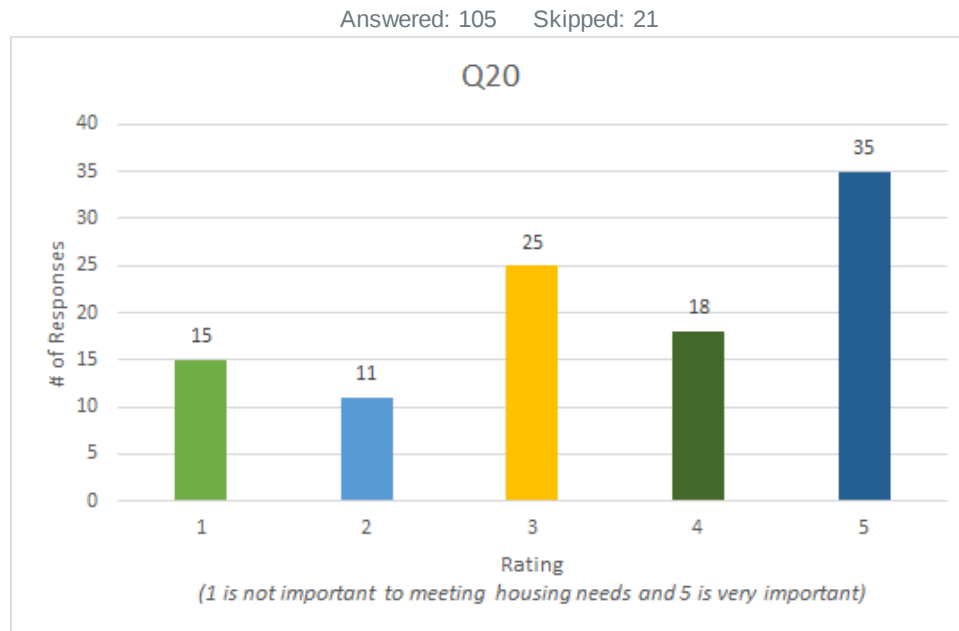
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63	4	8/24/2022 2:23 PM
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67	5	8/23/2022 4:40 AM
68	5	8/22/2022 6:13 PM
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71	3	8/21/2022 4:33 PM
72	5	8/21/2022 2:05 PM
73	4	8/21/2022 12:51 PM
74	5	8/21/2022 9:27 AM
75	5	8/21/2022 9:26 AM
76	5	8/21/2022 8:24 AM
77	5	8/20/2022 2:43 PM
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84	3	8/18/2022 9:19 PM
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88	3	8/18/2022 1:49 PM
89	3	8/18/2022 1:20 PM
90	5	8/18/2022 1:16 PM
91	4	8/18/2022 1:07 PM
92	3	8/18/2022 1:03 PM
93	5	8/18/2022 6:54 AM
94	4	8/15/2022 8:39 PM

Housing Element Survey

8/11/2022 - 9/23/2022

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100	1	8/12/2022 8:21 PM
101	1	8/12/2022 8:00 PM
102	3	8/12/2022 6:53 PM
103	4	8/12/2022 6:47 PM
104	1	8/12/2022 5:07 PM
105	1	8/11/2022 5:21 PM

Q20 Fund programs that assist low-income households to manage their utility costs, such as providing low-flow and other water or energy-conserving appliances, and training and counseling on water conservation measures in landscape design. (See Draft Housing Element Program 6.A.3)



Total Respondents: 105

#		DATE
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2	5	9/28/2022 12:18 PM
3	5	9/28/2022 12:16 PM
4	4	9/28/2022 12:13 PM
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Housing Element Survey

8/11/2022 - 9/23/2022

P.

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22	3	9/12/2022 11:12 AM
23	4	9/9/2022 8:04 PM
24	5	9/8/2022 5:19 PM
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Housing Element Survey

8/11/2022 - 9/23/2022

P.

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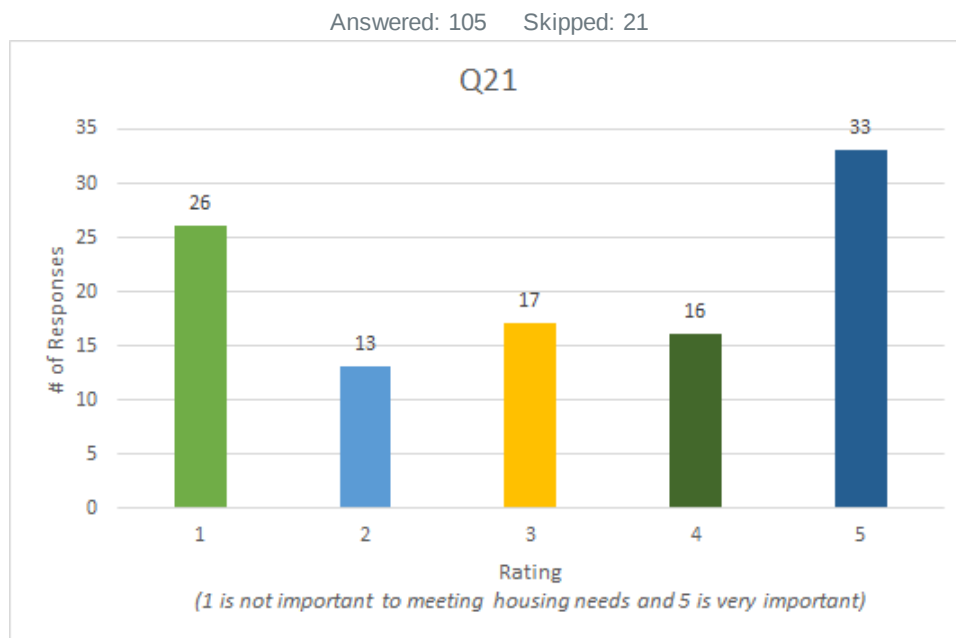
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8/11/2022 - 9/23/2022

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96	5	8/15/2022 11:35 AM
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99	1	8/13/2022 12:59 AM
100	5	8/12/2022 8:21 PM
101	5	8/12/2022 8:00 PM
102	2	8/12/2022 6:53 PM
103	5	8/12/2022 6:47 PM
104	1	8/12/2022 5:07 PM
105	3	8/11/2022 5:21 PM

Q21 Study potential updates to the zoning ordinance to reduce parking requirements for residential developments that provide and/or promote alternative modes of transportation for residents, such as prepaid transit fare cards, rideshare app credits, prepaid memberships to on-demand car rental on-site (e.g., ZipCar), or are in close proximity to high quality transit. (See Draft Housing Element Program 6.A.5)



Total Respondents: 105

#		DATE
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2	5	9/28/2022 12:18 PM
3	5	9/28/2022 12:16 PM
4	5	9/28/2022 12:13 PM
5	3	9/24/2022 9:39 AM
6	3	9/23/2022 7:33 PM
7	2	9/23/2022 6:40 PM
8	3	9/22/2022 1:30 PM
9	1	9/20/2022 12:36 PM
10	1	9/20/2022 12:32 PM
11	1	9/20/2022 12:30 PM
12	5	9/19/2022 5:30 PM
13	5	9/19/2022 1:33 PM
14	1	9/14/2022 1:54 PM
15	5	9/14/2022 1:46 PM

Housing Element Survey

8/11/2022 - 9/23/2022

P.

	5	9/13/2022 11:31 AM
17	4	9/13/2022 11:28 AM
18	1	9/13/2022 11:26 AM
19	5	9/13/2022 11:23 AM
20	1	9/13/2022 11:22 AM
21	5	9/12/2022 11:17 AM
22	5	9/12/2022 11:12 AM
23	5	9/9/2022 8:04 PM
24	3	9/8/2022 5:19 PM
25	2	9/8/2022 12:31 PM
26	4	9/8/2022 12:29 PM
27	1	9/8/2022 12:22 PM
28	1	9/8/2022 12:20 PM
29	4	9/8/2022 12:17 PM
30	1	9/8/2022 12:13 PM
31	4	9/8/2022 12:11 PM
32	4	9/8/2022 12:09 PM
33	3	9/8/2022 12:07 PM
34	2	9/8/2022 11:36 AM
35	2	9/6/2022 3:45 PM
36	2	9/6/2022 3:30 PM
37	2	9/6/2022 2:18 PM
38	5	9/4/2022 10:54 PM
39	3	9/4/2022 4:35 PM
40	5	9/4/2022 10:31 AM
41	5	9/3/2022 3:18 PM
42	2	9/3/2022 1:51 PM
43	4	9/2/2022 11:28 AM
44	4	9/2/2022 11:26 AM
45	1	9/2/2022 11:15 AM
46	5	9/2/2022 11:11 AM
47	4	9/2/2022 8:14 AM
48	1	9/1/2022 6:18 PM
49	3	8/30/2022 4:27 PM
50	1	8/30/2022 2:47 PM
51	3	8/29/2022 11:51 AM
52	4	8/28/2022 5:46 PM
53	1	8/27/2022 9:36 PM

Housing Element Survey

8/11/2022 - 9/23/2022

P.

	5	8/27/2022 8:30 PM
55	1	8/27/2022 7:22 PM
56	5	8/27/2022 4:50 PM
57	5	8/27/2022 4:16 PM
58	1	8/27/2022 12:11 PM
59	5	8/27/2022 7:10 AM
60	5	8/25/2022 4:40 PM
61	5	8/24/2022 2:43 PM
62	4	8/24/2022 2:36 PM
63	3	8/24/2022 2:23 PM
64	1	8/24/2022 12:48 PM
65	5	8/24/2022 8:32 AM
66	1	8/23/2022 10:39 AM
67	1	8/23/2022 4:40 AM
68	1	8/22/2022 6:13 PM
69	1	8/22/2022 3:20 PM
70	1	8/21/2022 7:15 PM
71	5	8/21/2022 4:33 PM
72	5	8/21/2022 2:05 PM
73	3	8/21/2022 12:51 PM
74	1	8/21/2022 9:27 AM
75	3	8/21/2022 9:26 AM
76	4	8/21/2022 8:24 AM
77	3	8/20/2022 2:43 PM
78	2	8/20/2022 6:19 AM
79	2	8/20/2022 12:05 AM
80	2	8/19/2022 7:03 PM
81	5	8/19/2022 6:02 PM
82	4	8/19/2022 5:05 PM
83	5	8/19/2022 4:51 PM
84	2	8/18/2022 9:19 PM
85	5	8/18/2022 7:40 PM
86	5	8/18/2022 6:58 PM
87	5	8/18/2022 6:18 PM
88	2	8/18/2022 1:49 PM
89	3	8/18/2022 1:20 PM
90	3	8/18/2022 1:16 PM
91	3	8/18/2022 1:07 PM

Housing Element Survey

8/11/2022 - 9/23/2022

P.	4	8/18/2022 1:03 PM
93	4	8/18/2022 6:54 AM
94	1	8/15/2022 8:39 PM
95	5	8/15/2022 12:30 PM
96	2	8/15/2022 11:35 AM
97	1	8/13/2022 11:47 PM
98	4	8/13/2022 7:36 PM
99	1	8/13/2022 12:59 AM
100	3	8/12/2022 8:21 PM
101	5	8/12/2022 8:00 PM
102	3	8/12/2022 6:53 PM
103	4	8/12/2022 6:47 PM
104	5	8/12/2022 5:07 PM
105	5	8/11/2022 5:21 PM

Q22 Do you have other housing-related comments?

Answered: 59 Skipped: 67

#	RESPONSES	DATE
1	In regards to the very last question of the survey, parking is a separate issue from proximity to transportation which is important.	9/28/2022 12:21 PM
2	Stop listening to supporting "Old Timers" of Brisbane. You talk the talk- but stop allowing "founders" control who have already demonstrated racism. How many people of color own property here since the 1970s? On the "we look forward to seeing you at future housing Element meetings," not true. You write this to say this- but you allow "long time Founding Families" control. They will never change slow "progress." Delay/deflect/study- so they can stay in control.	9/28/2022 12:13 PM
3	No	9/24/2022 9:39 AM
4	Yes, there are a staggering amount of abandoned houses in substandard condition in Brisbane. Create mechanisms to force improvements or sell to someone who is happy to improve the properties. I did this here in town and would happily do it again to make brisbane a nicer place. Also creating better restaurants and amenities to bring people to town would improve real estate investment.	9/23/2022 7:33 PM
5	Relax requirements on added parking where a homeowner needs to add a (1) bedroom to stay in home	9/23/2022 6:40 PM
6	As far as I understand, Brisbane is short on fulfilling it's housing zoning requirements and I don't see anything happening with the baylands. The fundamental problem with our city, region, state, country and even world is a chronic shortage of housing. There is one simple way to alleviate this problem and that is just to allow housing development. I think it's unconscionable that we continue to make life tough for so many people.	9/22/2022 1:30 PM
7	Please don't copy San Francisco! Credit Card and money management should be taught in Brisbane schools. Also no email Can you send Housing Element Update information to M.C.Kiser at 359 Kings, Brisbane, CA 94005.	9/20/2022 12:36 PM
8	You've had years to produce housing. DO IT!!!!	9/20/2022 12:32 PM
9	no wonder people are leaving town. How dense does our housing have to be? there is no parking anymore.	9/20/2022 12:30 PM
10	We need to build as much new housing as fast as we can manage it. We cannot claim to be for the environment, for diversity & inclusion, or for economic development while continuing to delay development.	9/19/2022 5:30 PM
11	Limit 2 cars per household. No more housing in Brisbane and only 2 children. Send the homeless elsewhere. We don't want Star City to become a homeless encampment. Small houses at Sierra Point or the East side of Tunnel Ave. Move dirt to west side of Tunnel Ave. - For question about increasing housing options for low-income: this is not a low income community. -Reduce Housing discrimination question: I'm proud of our diversity and flags.	9/14/2022 1:54 PM
12	-Parking reqs shouldn't be reduced; we already have a parking problem -quality of life issues and the streets of a densely populated environment should be taken into account	9/13/2022 11:26 AM
13	Homes cost too much!! Can't buy now.	9/13/2022 11:23 AM
14	No	9/9/2022 8:04 PM
15	It seems that there are properties on Visitacion that are underutilized that could be used for housing.	9/8/2022 5:19 PM
16	No rent control. No reduction in off-street parking	9/8/2022 12:31 PM
17	Second half with the questions with the scale were to confusing for me to understand.	9/8/2022 12:22 PM

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8/11/2022 - 9/23/2022

hard to understand the second part of the questions with the scale.

9/8/2022 12:20 PM

19	Zoning sucks as property line setbacks 400 sq ft restriction which increase code requirements.	9/8/2022 12:17 PM
20	Please expand and build more houses, apartments and condos (no HOAs)	9/6/2022 3:30 PM
21	What about building a D used inside your own house without going out of the footprint?	9/6/2022 2:18 PM
22	I lived here for 36 years, rented all 36 years with a dependent I take care of & now my SSA is less than my rent.	9/2/2022 11:28 AM
23	Study becoming a "Chapter City" to get back more home rule.	9/2/2022 11:15 AM
24	Parking is a frequent issue of concern for Brisbane residents. Only until access to reliable, high-quality transit options is vastly improved for Brisbane should any waivers for parking requirements on new construction even be considered. Separately, out-of-area speculative investment in Brisbane real estate is worthy of further investigation. Anecdotally, walking through town, apparently unoccupied homes are a frequent sight. In some cases, longtime residents sell, then the home remains vacant, sometimes "flipped" and resold, often left untouched and unoccupied. This trend depresses the number of available housing units, exacerbating housing scarcity and prices, while creating unideal neighborhood conditions (fewer "eyes on the street"). Efforts to incentivize or encourage homes to be occupied, by renters or owner-occupants, rather than speculated upon by absentee investors or institutional buyers could alleviate some housing scarcity and support Brisbane continuing to be a vibrant community.	9/1/2022 6:18 PM
25	Get more creative - the city was not planed for 100 year growth. Valley Dr, Crocker Par is where new housing belongs. Move the commercial businesses to the Baylands.	8/30/2022 2:47 PM
26	No	8/29/2022 11:51 AM
27	Yes I do. Why build more housing when California has a severe water shortage? Makes no sense.	8/27/2022 9:36 PM
28	No	8/27/2022 7:22 PM
29	The Bay Area needs much more housing if it intends to address cost and homelessness issues. Also transportation infrastructure etc.	8/27/2022 4:16 PM
30	State mandated RHNA numbers should be summarily dismissed. The problem is not lack of housing, but too many people in the State.	8/27/2022 12:11 PM
31	The City of Brisbane needs to build more housing in the coming years to meet the large demand that the Bay Area will see over the coming decade. With an abundance of economic opportunities and an attractive climate as climate change causes temperature rise outside of Coastal California, Brisbane needs to step-up it's building of affordable and market rate housing to attract a diverse grouping of residents. The City should also focus on transit-oriented development and expanding the non-automobile based transit options in the City to improve sustainability and provide more transportation options to residents.	8/25/2022 4:40 PM
32	I can't believe the existing senior housing has no elevator! Please protect the Lower Acres.	8/24/2022 2:43 PM
33	Do not impose parking permits	8/24/2022 2:36 PM
34	Encourage development of Parkside and we need to develop more senior housing in Brisbane. The wait list for what we have is ridiculous.	8/24/2022 12:48 PM
35	no	8/23/2022 4:40 AM
36	Water and energy conserving appliances are a great start, but I would love to see us leveraging passive house building techniques, in tandem with efficient all electric appliances, paired with on site solar generation and storage for this type of development. Especially for low income families its hard enough to make ends meet in the Bay Area as it is. It would be great to see the city making strides on affordable housing as we also make these residences as self sufficient as possible – aggressively reducing or largely eliminating a majority of utility bills for our most vulnerable residents.	8/22/2022 6:13 PM
37	There are many houses in Brisbane that have been sitting empty for years such as 125 San Bruno Ave, 213 Visitacion, 128 Alvarado St., and so many others. Efforts to get existing yet empty housing available for purchase or rent should be the #1 priority. Whether through	8/22/2022 3:20 PM

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8/11/2022 - 9/23/2022

incentives or penalties, the city should be working with the property owners to make these empty houses available. This should happen before any new construction, zoning changes, or other programs are considered.

38	None	8/21/2022 4:33 PM
39	The vast majority of the proposed housing is not affordable to anyone who does not work in the tech sector and is not intended for people like teachers, police officers, firefighters, nurses, retail workers, and everyone else who keeps society working. Until the problem of affordability is addressed on a large scale (and not just, say, 10-15% of proposed housing units), the proposed housing will resolve none of the existing problems. And in fact, many of the tech companies have either left the San Francisco Bay Area or have downsized their staffing here (Tesla, Hewlett Packard, Oracle, Airbnb, Uber, Salesforce, Twitter, and many others) which has left vacant a huge amount of office space in San Francisco which could be converted to living space to address the new post-pandemic reality. And that utilization of vacant office space should be the objective now, not tiny homes/ADUs/etc.	8/21/2022 2:05 PM
40	not at this time	8/20/2022 2:43 PM
41	Regarding the question about whether I work in Brisbane, I said yes because I work from home, however my employer is not located in Brisbane. The question wasn't too clear. Parking requirements should not be reduced for new construction (with the possible exception of certain ADUs), regardless of how many incentives there are to take public transportation, because residents will still have cars that they park at home when they commute to work, especially if they live walking distance to a bus/train station.	8/20/2022 12:05 AM
42	We need to build apartments, not ADUs	8/19/2022 7:03 PM
43	Do not plan for housing on San Bruno Mountain. There is no entitlement that says everyone should be able to afford live, everywhere, anytime. Government helps affordability with right policies, but does not cancel out market forces.	8/19/2022 5:05 PM
44	No	8/18/2022 9:19 PM
45	this city needs to look into homes in Brisbane with 7 or more cars blocking the streets near them and using their garage space for an auto work shop	8/18/2022 7:40 PM
46	There are several "fallow" lots around Brisbane - sites that remain unoccupied for > 5 years - that could be developed. Also, space for parking cars is a big limitation given existing street widths.	8/18/2022 6:18 PM
47	A penalty structure should be imposed on homes that are kept vacant by the owner or some other mitigation effort to prevent investors to buy properties here and keep them vacant.	8/18/2022 1:20 PM
48	Rent control is covered already by CA State law - we don't need another rent control law for Brisbane. Yes, lower restrictions/requirements for tiny homes, small ADU's, etc. The new restrictions on homeowner short-term rentals (SRO's) have pushed us out of the ability to make money from our house when we are on vacation - this has made it harder to afford to live here.	8/18/2022 1:03 PM
49	There isn't much the City can do to control the cost of buying a home, but anything the City can do to control rent gouging would be helpful.	8/18/2022 6:54 AM
50	Do NOT reduce parking provision requirements, but yes look at zipcar or transit pass or rideshare. Multiunit dwellings MUST provide own underground parking. I'd look at an accessory unit but one bad scofflaw unevictable tenant can destroy your home and multiple years of rents. Scary.	8/15/2022 8:39 PM
51	We've built way to much in Brisbane for parking and eliminated convenient public transportation to make it easier to ride Muni, SamTrans or the Train. Brisbane needs a convenient Cal Train Station at the parkinglot or a reliable form of local transportation. The existing buses are not reliable	8/15/2022 12:30 PM
52	While I understand that it is hard to escape development, I'd love Brisbane to remain Brisbane for it to preserve as much nature and habitats as possible.	8/15/2022 11:35 AM
53	Provide education on how to decrease housing expenses to ALL Brisbane residents, not just low income.	8/13/2022 11:47 PM
54	I have been renting in Brisbane since 2009, since then my rent has increased 120%. I think	8/13/2022 7:36 PM

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rent control will help a low income people, that every year has to find a second job or share the apart. to be able to cover monthly expenses. Affordable housing for people who work hard, but not able to buy a home.

55	With increased population we also need to consider increased needs of school resources, public recreational areas and parking. There's been some contradictory elements in the past that if we're planning for increasing housing and population, maybe we shouldn't have reduced the public parking availability on the commercial streets. Please consider these elements as we increase housing as per California state requirements. We should also try to avoid extreme high density housing to maintain the culture and community of Brisbane.	8/13/2022 12:59 AM
56	We all like Brisbane as it is, we don't want a metropolis with hoards of people creating crowded and unsafe streets. I am thankful to live here.	8/12/2022 8:21 PM
57	Mo	8/12/2022 6:53 PM
58	I believe we should allow the badlands project to move forward. This project would really help the housing issues for Brisbane as required for the state	8/12/2022 6:47 PM
59	Build more housing in central Brisbane! It is unacceptable that it is majority single family homes. Allow more dense development in a good part of the peninsula. Development on or near Baylands is toxic and is not a great solution.	8/11/2022 5:21 PM

draft
RESOLUTION 2022-XX
A RESOLUTION OF THE BRISBANE CITY COUNCIL
TO FORWARD THE DRAFT 2023-2031 HOUSING ELEMENT TO THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
FOR REVIEW

WHEREAS, a draft 2023-2031 Housing Element has been prepared for review and comment by the California Department of Housing and Community Development prior to adoption by amending the General Plan; and

WHEREAS, on August 25, 2022, the Planning Commission held a public hearing on updating the 2015-2022 Housing Element, recommending that the City Council forward the draft 2023-2031 Housing Element to the Department of Housing and Community Development; and

WHEREAS, the City Council held a public hearing on the draft 2023-2031 Housing Element on October 6, 2022, and considered the testimony presented, public comments provided and reviewed the Planning Commission's recommendation and the minutes of its meeting, which is incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Brisbane City Council that the draft 2023-2031 Housing Element be forwarded to the California Department of Housing and Community Development for review and comment.

COLEEN MACKIN, Mayor

I hereby certify that the foregoing Resolution 2022-XX was duly and regularly adopted at a regular meeting of the Brisbane City Council on October 6, 2022, by the following vote:

AYES:

NOES:

INGRID PADILLA, City Clerk

RESOLUTION 2022-GPA-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE
RECOMMENDING THAT THE CITY COUNCIL SUBMIT
THE DRAFT 2023-2031 HOUSING ELEMENT TO THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR REVIEW

WHEREAS, the draft 2023-2031 Housing Element of the General Plan was prepared consistent with the California Government Code requirements applicable to Housing Elements and was published for public review on August 8, 2022; and

WHEREAS, on August 25, 2022, the Planning Commission held a public hearing to consider the draft 2023-2031 Housing Element and make a recommendation to the City Council regarding submittal of the draft 2023-2031 Housing Element to the State Department of Housing and Community Development (HCD) for review prior to adoption of the Element; and

WHEREAS, the minutes of the Planning Commission meeting of August 25, 2022, are attached and incorporated by reference as part of this resolution.


NOW, THEREFORE, based upon the evidence presented, both written and oral, the Planning Commission of the City of Brisbane hereby **RECOMMENDS** that the City Council submit the draft 2023-2031 Housing Element to the California Department of Housing and Community Development for review prior to adoption.

ADOPTED this twenty-fifth day of August 2022 by the following vote:


AYES: Commissioners Gooding, Lau, Patel and Sayasane

NOES: None

ABSENT: Funke


SANDIP PATEL
Chairperson

ATTEST:


JOHN A. SWIECKI
Community Development Director

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of August 25, 2022
Virtual Regular Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioners, Gooding, Lau, Patel, and Sayasane
Absent: Commissioner Funke
Staff Present: Director Swiecki, Senior Planner Johnson, and Senior Planner Ayres

ADOPTION OF AGENDA

A motion by Commissioner Gooding, seconded by Commissioner Sayasane to adopt the agenda. Motion approved 4-0.

CONSENT CALENDAR

There were no items on the consent calendar.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Patel acknowledge [three letters were received](#) pertaining to agenda item A.

PUBLIC HEARING

- A. **Citywide; General Plan Amendment 2022-GPA-1**; 2023-2031 Housing Element Update; City of Brisbane, applicant

Senior Planners Johnson and Ayres gave a presentation on the draft 2023-2031 Housing Element that was published on August 8, 2022 for a 30-day public comment period. They highlighted how to view and comment on the draft Housing Element. They noted that a public hearing at City Council is scheduled for early October and that a Housing Element Survey is available until September 23, 2022, to solicit feedback on various programs found within the draft Housing Element.

Chairperson Gooding opened the public hearing.

Tony Lavaysse, spoke in favor of area labor standards for construction workers.

Prem Lall, Brisbane resident, spoke about the importance of considering climate change impacts on the location of new housing.

With no one else wishing to address the Commission, a motion by Chairperson Patel, seconded by Commissioner Gooding to close the public hearing was approved 3-0. (Commissioner Lau lost connection momentarily.)

After deliberation, a motion by Commissioner Gooding, seconded by Commissioner Lau, to recommend the City Council submit the draft Housing Element to HCD for review via adoption of Resolution 2022-GPA-1 was approved 4-0.

ITEMS INITIATED BY STAFF

Director Swiecki encouraged the Commissioners of to attend the in-person Planning Commissioner training provided by the Institute for Local Government (ILG) in October 2022 and informed them that the California High Speed Rail Authority approved the EIR for the San Francisco to San Jose segment.

ITEMS INITIATED BY THE COMMISSION

Commissioner Gooding recommended his peers attend the in-person Planning Commissioner training and that he will be attending.

ADJOURNMENT

Chairperson Patel declared the meeting adjourned to the next regular meeting of September 8, 2022 at approximately 8:10 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: August 25, 2022

From: Planning Staff

Subject: Citywide; 2022-GPA-1; 2023-2031 Housing Element Update; City of Brisbane, applicant.

REQUEST:

The Planning Commission's review and recommendation to City Council on the draft 2023-2031 Housing Element.

RECOMMENDATION:

Recommend that City Council submit the draft 2023-2031 Housing Element (Element) to the California Department of Housing and Community Development (HCD) for review, via adoption of Resolution 2022-GPA-1.

ENVIRONMENTAL DETERMINATION:

The input provided by the Planning Commission on the draft Element is not a project subject to CEQA, because the City is not taking action at this time and it can be seen with certainty that the Planning Commission's input will not cause a physical change in the environment (Public Resources Code Section 21065). Additionally, the residential development described by the draft Element for the Baylands subarea was analyzed under a certified Environmental Impact Report (EIR) for General Plan Amendment GPA-1-18 (State Clearinghouse #2006022136; certified via Brisbane City Council Resolution 2018-61) and EIR Addendum for General Plan Amendment GPA-1-19 (adopted via Brisbane City Council Resolution 2020-1).

APPLICABLE CODE SECTIONS:

California Government Code Sections 65580 to 65589.11 contain a number of requirements applicable to Housing Elements. Staff's analysis of the draft Housing Element's compliance with the Government Code requirements is included in the draft Element as Appendix F.

DISCUSSION:

The draft 2023-2031 Housing Element was published on August 8, 2022 on the City's website with hard copies available to view at City Hall and the Brisbane Library (see Attachment A). While the Element features some new policy topics and data on fair housing, the bulk of the draft Element's content and format is similar to the 2015-2022 Housing Element, updated to reflect current conditions.

As discussed in a number of Planning Commission workshops leading up to the preparation of this draft Element, updates are proposed to comply with the latest RHNA requirement, to improve upon the previous policies and programs, to respond to changes in State law, and to incorporate new data such as 2020 Census data. Prior workshop meeting videos and agenda materials are attached for the Commission's reference.

RHNA Requirements:

Each Housing Element update cycle begins with HCD assigning shares of the State housing needs, based upon its population projections, to the various regional government planning organizations throughout the State, including the Association of Bay Area Governments (ABAG) which governs the nine Bay Area counties. This process is referred to as the Regional Housing Needs Allocation (RHNA for short). ABAG then distributes the Bay Area's RHNA amongst the nine Bay Area counties, based on ABAG's own regional growth projections and planning. In San Mateo County, C/CAG (a regional government association comprised of the County and all cities in San Mateo County) oversees the final distribution of the "fair-share" allocation of the Countywide RHNA to individual jurisdictions within the County.

Brisbane's RHNA for the 2023-2031 planning period is a total of 1,588 housing units, divided between household income categories as shown in the table below (excerpted from Chapter 2 of the draft Element).

Table 2.30
Brisbane's Regional Housing Needs Allocation and Shortfall
(2023-2031)

	<i>Very Low Income</i>	<i>Low Income</i>	<i>Moderate Income</i>	<i>Above-Moderate Income</i>	<i>Total</i>
Percentage of Area Mean Income	<50%	51-80%	81-120%	>120%	-
2023-2031 RHNA (Cycle 6)	317	183	303	785	1,588
Currently Zoned Capacity	172	103	16	135	426
Housing Shortfall, prior to 6th Cycle Rezoning	145	80	287	650	1,162

As shown in the excerpted table and discussed in Chapter 3 of the draft Element, the City's current inventory of residentially zoned land does not accommodate the total RHNA for the planning period. Accordingly, State law requires the City to identify sites that will be rezoned to meet that shortfall no later than May 31, 2026, per Government Code Section 65583(c)(1)(A). The draft Element identifies the Baylands subarea for rezoning to meet the RHNA shortfall, consistent with Measure JJ, which was approved by the Brisbane voters in 2018, along with the subsequent General Plan Amendment GPA-1-18 in 2019 allowing for 1,800- 2,200 housing units in the Baylands subarea. A draft Baylands specific plan was submitted to the City this Spring and is in process for review by City Council in 2023.

Goals, Policies and Programs:

As described in detail in the July 28, 2022 workshop memo (attached), an overarching objective of the 2023-2031 Housing Element update is to make the goals, policies, and programs more streamlined and straightforward, resulting in a more effective plan that is easier to understand and implement, and better align with State law. The draft goals are:

1. Affirmatively further fair housing opportunities for all persons.

2. Facilitate and support the production of housing at all income levels, but especially affordable housing.
3. Preserve existing affordable housing.
4. Protect residents from displacement.
5. Increase public awareness of housing programs and resources.
6. Conserve natural resources and reduce greenhouse gas emissions in existing and new residential development.
7. Avoid unreasonable government constraints to the provision of housing.

New and updated policies and programs falling under these updated goals commit the City to actionable and trackable programs that meaningfully implement its housing goals, consistent with State law.

New State Regulations:

Given the Statewide housing crisis, a number of new Housing Element requirements have been imposed on cities for the current Housing Element cycle. Those that directly affect Brisbane are outlined in Chapter 1 of the draft Element and are addressed throughout the Element. Many of these have already been addressed through Brisbane's local ordinances, such as requirements to relax the development regulations and streamline the approval process for accessory dwelling units. Another new requirement is for the draft Element to provide in-depth analyses, data, and policies related to actions the City will take to affirmatively further fair housing (AFFH). This is interwoven throughout the Element, but specific AFFH analysis is provided in Appendix C, with specific policies provided in Chapter 5 – Housing Plan under Goal 1. Finally, a notable new procedural requirement is the State-mandated 30-day public comment period for the draft Housing Element, followed by at least 10 days to address comments in the draft Element, before City Council's review and approval for submittal to HCD.

Next Steps:

Following the Commission's public hearing(s) and recommendation to City Council, staff will agendize a public hearing at City Council, which would include the Commission's recommendation. The formal 30-day public comment period is ongoing through September 9th; however, comments received up until Council's approval of the draft Element for submission to HCD will be provided to Council for consideration. Council's first public hearing on the draft Element is tentatively scheduled for October 6, 2022.

Once City Council approves the draft Element for HCD review, HCD has up to 90 days to review and provide comments on the first submittal of a jurisdiction's draft element, then up to 60 days on each subsequent submittal. The statutory due date for the Element to be "certified" is January 31, 2023; however, a 120-day grace period is allowed. **As such, the final deadline for adoption of the final Element by Council and HCD certification is May 31, 2023.** Based on the experiences of jurisdictions in other regions of the State who have already gone through the

2022-GPA-1
8/25/2022 Meeting

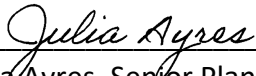
Housing Element review process, staff expects to have at least two review cycles with HCD prior to certification.

ATTACHMENTS

- A. ~~Draft Resolution 2022-GPA-1~~ Superseded. See Signed Resolution Attachment 4
- B. ~~Draft 2023-2031 Housing Element~~ (hyperlink) Superseded. See Attachment 1 link
- C. [August 11, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- D. [July 28, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- E. [March 10, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- F. [February 24, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- G. [February 10, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- H. [January 27, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- I. [December 16, 2021 Planning Commission workshop video and agenda materials](#) (hyperlink)



Jeremiah Robbins, Associate Planner



Julia Ayres, Senior Planner



Ken Johnson, Senior Planner

File Attachments for Item:

Q. Consider Adoption of a Resolution to Implement the Second of Four Capital Facilities Fee for the Utility Fund.

(It is being recommended to Adopt a Resolution setting the rate for the second Capital Charge for water and wastewater services. Over a 17-year period, the City is phasing in four planned fee increases in order to pay for improvements to the City's aging water and wastewater systems. If adopted, the City will raise approximately \$350,000 a year in this second phase. The cost for a customer who uses 10 units of water (approximately 7,480 gallons) every two months, would be \$35 per bill or \$210 a year.)



CITY COUNCIL AGENDA REPORT

Meeting Date: 10/6/2022

From: Stuart Schillinger, Assistant City Manager

Subject: Adoption of Resolution 2022-XX implementing Prop 218 mailing for water and sewer rate increase

Community Goal/Result

Fiscally Prudent - Brisbane's fiscal vitality will reflect sound financial decisions, which also speak to the values of the community

Purpose

Provide for clean drinking water and wastewater collection that ensures wastewater is properly treated before being released.

Recommendation

Adopt Resolution 2022-XX setting the rate for the second Capital Charge for water and wastewater services.

Background

On August 13, 2001 the City Council discussed Ordinance No. 458 which set the process for determining future water and sewer rate increases.

Subsequent to passing Ordinance No. 458, the California Supreme Court ruled that water and sewer charges are property related and subject to Proposition 218, the Right to Vote on Taxes Act. As such, we are required to notify property owners regarding any increase and hold a public hearing at least 45 days later to allow time for community input. As a courtesy to our customers, we also notify renters of the forthcoming change in rates.

In April of 2014 the City Council approved a policy to create a Capital Charge to pay for Capital Improvements need for the water and sewer systems. The Capital Charge would pay for the needed projects on the City's Capital Improvement Plan. The plan delineates the need for approximately \$5,000,000 worth of projects every five years. The Council in 2014 approved a policy of placing a new Capital Charge on the water and sewer bill four times over a twenty year period. It is time to place the second charge on the bills. The charge should have been placed on the bills in 2020 but due to the impacts of COVID staff determined that it was better to delay some of the projects instead of increasing rates during the beginning of a pandemic.

The City Council's Infrastructure Committee has been reviewing the work of our water and sewer rate consultant Lechowicz and Tseng Municipal Consultants. They are reviewing the

need for an operational rate increase. The City has not done an operational rate increase since 2012. The Committee is reviewing their study and a recommendation regarding a need for an operational rate increase will be presented in the fall. However, the Committee recommends the City Council continue with policy of implementing Capital Charges to pay for Capital projects in an earlier time frame to ensure our capital projects are not delayed.

On July 7, 2022 City Council directed staff to mail out the Proposition 218 notice to property owners and users of the system. Staff mailed these letters out to the public on August 5th. This meets the requirement of sending the letters out a minimum of 45 days prior to today's public hearing (76 prior). The letter was sent out with paragraphs in Spanish and Chinese included which explained what was included in the letter and where a translated version could be found.

Discussion

The Committee in 2014 discussed a couple of issues related to the Capital Charge. First it wanted to match the useful life of the improvements to the users who will be paying for them. The projects proposed on our Capital Plan have a minimum of a 20 -30 year life span. The Charge is a flat charge over the life of the improvements. So as inflation increases the relative cost to the use of the Capital Charge decreases. The Capital Charge proposed is at the same rate as the existing charge.

The Committee in 2014 reviewed the issue of ensuring that the proper amount of revenue was collected to pay for the projects. The Committee determined a tiered rate system based on water used made the most sense however it did not want to have large fluctuations caused by increasing and decreasing water usage. The committee determined it was appropriate to have a narrow range for the charge \$10 -\$65. Higher water users would pay more since higher usage cause the need for a larger system and more wear and tear on the system. However, since these are long lasting capital projects that benefit all users there should not be a large disparity between large water users and small water users.

The proposed rate structure is shown in Attachment 1.

As stated in the background we will need to mail a letter letting our property owners and our utility users know about the proposed rate increase. If more than 50% of the property owners and utility users protest the rate increase it cannot be imposed and the City will not be able to complete the necessary projects to ensure the continued ability to provide clean drinking water and safe conveyance of wastewater to the treatment plan.

The projects that will be completed with this round of funding are:

- Lift Station Condition Assessment and Hydraulic Evaluation
- Sewer Pipeline Replacements
- Glen Park Pump Station Upgrade

- SCADA System Replacement
- Water Meter AMI (Advanced Metering Infrastructure) System
- Water Pipeline Replacements

The City received 5 contacts related to the letter.

- 1) Related to how the letter was addressed. This was easily resolved. The address was taken from the County's Assessor Parcel role.
- 2) Resident wanted more information on the projects being funded. Staff returned the call and spoken with the resident. The resident was satisfied and very interested in the Water Meter replacement project. He stated he thought replacing the meters with meters that were continuously reading water usage would assist the residents and the City better determine when a leak is happening. He had this happen on another home he lived in and it detected the leak months before he would have found it.
- 3) Resident wanted to know if the projects were system wide or focused in one area. Staff explained the projects are city-wide (ie. Water Meter Replacement, SCADA System Replacement, and water and sewer line replacements).
- 4) Resident wanted to know what the impact on their bill would be. Staff spoke with the resident and discussed their particular bill and how the rate would be charged.
- 5) We received 1 e-mail with a number of questions which the City responded to in writing. The response is included as an attachment.

Fiscal Impact

The second phase of the Capital Charge raise approximately \$350,000 a year. The cost for a customer who uses 10 units of water (approximately 7,480 gallons) every two months, would be \$35 per bill or \$210 a year.

Measure of Success

The City is able to maintain its infrastructure to provide clean drinking water and transmit its wastewater as required by law.

Stuart Schillinger

Stuart Schillinger, Assistant City Manager

Clayton L. Holstine

Clay Holstine, City Manager

Recommended rate structure to pay for approved Capital Improvement Program

Units of Water used (bi monthly billing cycle)	Number of users	Proposed Rate (in Dollars)	Total Revenue Generated (in Dollars)
0	223	10	2,230
1	89	12.5	1,112.50
2	87	15	1,305
3	69	17.5	1,207.50
4	99	20	1,980
5	115	22.5	2,587.50
6	90	25	2,250
7	117	27.5	3,217.50
8	102	30	3,060
9	117	32.5	3,802.50
10	118	35	4,130
11-19 units	528	38	20,064
20-40 units	177	50	8,850
>40 units	167	65	10,855
Grand Total			66,651.50

Questions from the Public

- 1) Priority of Capital Projects
- 2) Estimated start month or year of projects
- 3) Estimated cost of projects
- 4) Estimated phase of Capital Project Plan
- 5) What is the breakdown of users in each category?
- 6) What was the basis of for the rate structure?
- 7) How does the City determine everyone is paying their fair share for the cost of the service?

Answer to questions 1, 2, 4

The City adopted a 20 year Water and Sewer Master Plan in 2015. The master plan is phased in over the full 20 years with projects being done in 5-year increments. The projects listed this time are from that original master plan and was reviewed by the City Council at their most recent Capital Project Review last year. This is the second phase of the four phase plan. All of these have similar priorities for this five year time period. The estimated cost of these projects were included in the capital project program.

Answer to question 3

Lift Station Condition Assessment and Hydraulic Evaluation – Will evaluate current capacity, update hydraulic model, evaluate capacity of lift station compared to flow projections, and perform flow monitoring to evaluate infiltration -\$100,000

Sewer Pipeline Replacements – Conduct regular replacement of Sewer Pipelines before the end of their expected life to avoid the cost and inconvenience of emergency shutoffs and repairs. \$330,000

Glen Park Pump Station Upgrade – Upgrade the booster pump station in order to modernize the facility and increase the capacity of the station to match current recommended water tank refill rates. \$2,600,000

SCADA System Replacement – Replace outdated Supervisory Control and Data Acquisition (SCADA) system with a new system. Allows the management of all water pumps from a centralized location rather than dispatching employees to each pump station. \$682,000

Water Meter AMI (Advanced Metering Infrastructure) System – Replace an aging meter infrastructure with meters that can be read remotely reducing meter reading time, decrease water loss, and provide real-time water use information to customers \$1,500,000

Water Pipeline Replacements - Conduct regular replacement of Water Pipelines before the end of their expected life to avoid the cost and inconvenience of emergency shutoffs and repairs.
\$500,000

Answer to question 5

It is difficult to say how many accounts fall into each category since it changes from year to year based on use.

The rates impact both residential and commercial customers.

Answer to question 6

The rates were set based on the amount of revenue that was needed to be received in order to pay for the projects over a twenty year period (the expected life of the projects). Accounts that use more water and produce more wastewater require the City to size the system for the greater use and therefore should take on a greater portion of the burden of maintaining the system. This is the reason the City Council determined to have higher users pay a greater amount.

Answer to question 7 (sent subsequent to first 6

To answer your subsequent question about how are we sure that people are paying their fair share of the costs. The City is currently conducting a water and wastewater fee study. The results of this will be presented at a future Council Meeting. The company studying this will present the issue of why the rates are set the way they are and that no user of the system is responsible for another user's costs.

RESOLUTION NO. 2022-xx**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE SETTING THE RATE FOR A CAPITAL FOR WATER AND SEWER SERVICES**

WHEREAS, the City Council finds and determines that a separate rate is necessary for ensuring water and sanitary sewer capital projects are completed; and

WHEREAS, as required by State law, notice of the proposed increased charges was given to the person who are responsible for payment of such charges, as shown on the records of the City, which included notice of public hearing to be conducted by the City Council at which time any protests to the proposed increases would be considered, such notice having been given at least 45 days prior to the hearing; and

WHEREAS, on October 6, 2022 the City Council conducted a public hearing on the proposed increases in sewer and water charges, at which time any person was given an opportunity to protest the same; and

WHEREAS, protests were not made by a majority of the persons who would be responsible for payment of the sewer and water charges.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Brisbane as follows:

1. The schedule of capital fee charges attached hereto is approved (attachment A).
2. The increased sewer and water service charges shall be implemented in the bimonthly bill which will be sent March 2023

Number of Units	Proposed Rate (in Dollars)
0	10
1	12.5
2	15
3	17.5
4	20
5	22.5
6	25
7	27.5
8	30
9	32.5
10	35
11-19 units	38
20-40 units	50
>40 units	65

File Attachments for Item:

S. Mickelson Pool Request

From: Jane Stahl <jane.stahl@warmwaterwellness.org>
Sent: Friday, September 9, 2022 12:43 PM
To: Council Members <CouncilMembers@ci.brisbane.ca.us>
Cc: Lindsay Raike <lindsay.raike@warmwaterwellness.org>
Subject: Resolution Request - Mickelson Therapy Pool

Dear Mayor Makin, Mayor Pro Tempore Lentz and Councilmembers Cunningham, Davis, and O'Connell,

Would it be possible to add this request to your meeting agenda for September 15th? Thank you for your consideration.

Jane Stahl
Secretary

Warm Water Wellness Inc

Promoting aquatic therapy resources on the Peninsula
warmwaterwellness.org



From: Jane Stahl <jane.stahl@warmwaterwellness.org>
Sent: Monday, August 22, 2022 2:03 PM
To: Council Members <CouncilMembers@ci.brisbane.ca.us>
Cc: Lindsay Raike <lindsay.raike@warmwaterwellness.org>
Subject: Resolution - Mickelson Therapy Pool

Dear Mayor Makin, Mayor Pro Tempore Lentz and Councilmembers Cunningham, Davis, and O'Connell,

In June 2021, Sutter Health permanently closed the Mickelson Therapy Pool in San Mateo. This facility was built with \$4M in community donations 25 years ago and provided pain relief for seniors, pregnant women, adults and children with disabilities, and anyone recovering from surgery. The Mickelson pool was the only warm water therapy pool on the Peninsula and served citizens of all ages and from all communities. My husband was a pool user for almost 20 years and it contributed immensely to his health and quality of life through two hip replacements, open heart surgery, and more.

We are asking that the City of Brisbane pass a resolution recognizing the plight of those seeking relief from pain and demanding the pool's reopening. Alternatively, Sutter Health should return the amount originally donated — \$7.2 million in today's money — to build a new facility.

Speaker Pro Tempore Kevin Mullin and Senator Josh Becker have written to Sutter Health advocating for the pool to be reopened. The San Mateo County Board of Supervisors, the San Mateo Labor Council and the Sequoia Healthcare District have passed resolutions calling for the pool's reopening as well as the cities of Burlingame, Half Moon Bay, Colma, Foster City, Hillsborough, Millbrae and San Mateo. There have been many letters from pool users and doctors calling on Sutter to re-open the pool. We are grateful for all the support received to date but still need your support to put more pressure on Sutter Health to meet with us and resolve this issue.

I am enclosing a draft resolution that could serve as a template.

This has become a crisis. The community has lost a very valuable resource and many users are suffering deteriorating health conditions and hope.

I would be happy to talk to you further about this request.

Sincerely,

Jane Stahl
 Secretary
 (650) 455-5793

Warm Water Wellness Inc

Promoting aquatic therapy resources on the Peninsula
warmwaterwellness.org



SAMPLE RESOLUTION TEMPLATE

The below template is based on the San Mateo County Board of Supervisors' resolution

A RESOLUTION OF _____ IN SUPPORT OF REOPENING THE MACK E. MICKELSON
ARTHRITIS AND REHABILITATION CENTER THERAPY POOL LOCATED AT THE MILLS
HEALTH CENTER IN SAN MATEO CALIFORNIA

WHEREAS, the Mack E. Mickelson Therapy Pool ("Mickelson") is an ADA-accessible warm water therapy pool located in San Mateo, California at Mills Health Center, which is operated by Sutter Health.

WHEREAS, Mickelson was constructed over 25 years ago using charitable contributions from residents of San Mateo County.

WHEREAS, for over 25 years, thousands of residents of San Mateo County who suffered, and many who continue to suffer, from health issues including permanent disabilities, debilitating injuries, autoimmune disorders, and mobility impairments, used Mickelson to rehabilitate those health issues and mitigate physical decline.

WHEREAS, both intervention and prevention are equally critical components of an equitable and effective healthcare system.

WHEREAS, Mickelson's ability to provide both preventative and interventionist therapies to residents of San Mateo community suffering from health issues makes it an asset to the community at large and even more so to elderly residents and residents with mobility impairments.

WHEREAS, notwithstanding the COVID-19 pandemic, Sutter Health, its subsidiaries, and its employees receive significant financial benefits for providing healthcare services in San Mateo County from both public and private contracts.

WHEREAS, in January 2020, Sutter Health substantially decreased the hours during which Mickelson was accessible to community members who relied upon its availability to maintain their health.

WHEREAS, in March 2020, as a result of the COVID-19 pandemic, Sutter Health ceased operating Mickelson.

WHEREAS, in June 2021, Sutter Health publicly announced its intent to permanently close Mickelson.

WHEREAS, as a direct result of Sutter Health's decision to close Mickelson, residents of San Mateo County who previously relied upon Mickelson to treat and prevent significant health issues are now suffering from acute and chronic physical pain and mental anguish which, in turn, decreases the independence of those residents and impacts their ability to live with dignity.

WHEREAS, over 4,700 patients, caregivers, and community members have signed a petition to reopen Mickelson to increase the health, independence, and dignity of those residents who rely upon it.

WHEREAS, there is also an apparent and growing need for the Mickelson therapy pool and the services it provides due to San Mateo County's rapidly increasing number of elderly residents who are highly likely to suffer from the health issues noted above, among others.

WHEREAS, there are no comparable warm water therapy pools that can adequately accommodate the residents of San Mateo County who previously relied upon Mickelson.

WHEREAS, any temporary plan to route former Mickelson users to another warm water therapy pool will not benefit a significant number of former users with significant mobility impairments that limit those users' abilities to travel.

WHEREAS, there is currently no plan to construct an adequate and accessible replacement warm water therapy pool in San Mateo County, and any plan to do so would require significant financing as well as several years of design, planning, permitting, and construction.

WHEREAS, estimates provided by Sutter Health suggest that reopening Mickelson with any required repairs or upgrades would cost approximately \$250,000.00.

WHEREAS, warm water therapy pools in the region can and do operate profitably and safely under relevant COVID-19 regulations.

BE IT RESOLVED, that in light of the foregoing, promptly reopening the Mack E. Mickelson Arthritis and Rehabilitation Center therapy pool for community use with the same open access hours that it had prior to January 2020, is the most prudent option to preserve and improve the health of residents in San Mateo County who now rely upon, or who will rely upon, warm water therapy to maintain their health, independence, and dignity. We urge Sutter Health to take advantage of the Peninsula Health Care District's generous offer to fully fund any necessary repairs, remodeling and operational costs of the Mickelson therapy pool until a new facility becomes available in the area.

PASSED AND ADOPTED by _____, this
 ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: