



CITY of BRISBANE

Joint City Council, Brisbane GVMID Financing Authority, & Guadalupe Valley Municipal Improvement District Special Meeting Agenda

Thursday, October 5, 2023 at 7:30 PM • Hybrid Meeting 50 Park Place, Brisbane, CA

The public may observe/participate in City Council meetings using remote public comment options or attending in person. City Council members shall attend in person unless remote participation is permitted by law. The City Council may take action on any item listed in the agenda.

TO ADDRESS THE COUNCIL

IN PERSON

Location: 50 Park Place, Brisbane, CA 94005, Community Meeting Room

Masking is not required but according to the California Department of Public Health guidelines, people at higher risk for severe illness should consider masking. To help maintain public health and safety, we respectfully request that people not attend in-person if they are experiencing symptoms associated with COVID-19 or are otherwise ill and likely contagious (e.g., respiratory illnesses).

To address the City Council on any item – whether on the posted agenda or not – please fill out a Request to Speak Form located in the Community Meeting Room Lobby and submit it to the City Clerk. Speakers are not required to submit their name or address.

REMOTE PARTICIPATION

Members of the public may participate in the City Council meeting by logging into the Zoom Webinar listed below. City Council meetings may also be viewed live and/or on-demand via the City's YouTube Channel, youtube.com/brisbaneca, or on Comcast Ch. 27. Archived videos may be replayed on the City's website, brisbaneca.org/meetings. Please be advised that if there are technological difficulties, the meeting will nevertheless continue if remote participation is available.

The agenda materials may be viewed online at brisbaneca.org at least 72 hours prior to a Regular Meeting, and at least 24 hours prior to a Special Meeting.

Remote Public Comments:

Remote meeting participants may address the City Council. We also encourage you to submit public comments in writing in advance of a meeting. Aside from commenting personally 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 agenda item.

Email: ipadilla@brisbaneca.org or **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

Call In Number: 1 (669) 900-9128

Note: Callers dial *9 to "raise hand" and dial *6 to mute/unmute.

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 4pm of the day of the meeting will be available for public inspection at the front lobby in City Hall and on the internet (brisbaneca.org/meetings). Any writings that are received after 4pm of the day of the meeting will be available on the internet at the start of the meeting (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

- A. Consider any request of a City Councilmember to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

ADOPTION OF AGENDA

AWARDS AND PRESENTATIONS

- B. Proclamation for Domestic Violence Awareness Month
- C. Proclamation Condemning Antisemitism and Hate Speech
- D. National Fire Prevention Week
- E. Presentation on the Job Development Component of the City’s Equitable Communities Revitalization Grant (ECRG)

ORAL COMMUNICATIONS NO. 1

CONSENT CALENDAR

- F. Approve Minutes of City Council Special Meeting of Joint City Council, Brisbane GVMID Financing Authority, and Guadalupe Valley Municipal Improvement District Special Meeting of June 29, 2023
- G. Approve Minutes of City Council Closed Session Meeting of September 21, 2023
- H. Accept Investment Reports as of August 2023
- I. Award the Construction Contract for the Lower Visitation Overlay to G. Bortolotto & Company, Inc. In the Amount Of \$245,000, and Authorize the Mayor to Sign the Agreement for the City
- J. Award The Construction Contract for the Upper Visitation Overlay to Radius Earthwork in the Amount of \$219,174 and Authorize the Mayor to Sign the Agreement for the City
- K. Authorize the City Manager to execute the attached Quitclaim Deed for easements on APN 007-150-030 and 007-150-040
- L. Approve the Brisbane Dance Workshop’s Holiday Arts & Crafts Fair as cosponsored event

- M. Approve the Brisbane Lions Club's Flu-Shots, Fun Run, Pumpkin Patch, Worldwide Candle Lighting, Annual Senior Luncheon, and Annual Crab Dinner Dance as cosponsored events
- N. Approve the Mothers of Brisbane's MOB Shop as cosponsored event
- O. Authorize the City Manager to Execute a One-Year Extension with Granicus to Continue Providing Short Term Rental Monitoring and Permitting Services (The cost of renewing the service agreement through December 2024 would be \$11,430.37 to retain the current scope of services.)
- P. Adopt an Ordinance, Waiving Second Reading, Concerning the Timing of the Construction of Off-Site Improvements
(This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because it is not a project. CEQA Guidelines section, 15378 (b)(2).)

NEW BUSINESS

- Q. Consider Introduction of a Draft Ordinance Amending Chapter 10.52 of the Brisbane Municipal Code to Incorporate Transportation Demand Management (TDM) Requirements
(This ordinance is statutorily exempt from environmental review under CEQA Guidelines Section 15183(a) - Projects Consistent with a Community Plan or Zoning, and categorically exempt from environmental review under CEQA Guidelines Section 15308 - Actions by Regulatory Agencies for Protection of the Environment)

STAFF REPORTS

- R. City Manager's Report on Upcoming Activities

MAYOR/COUNCIL MATTERS

- S. Countywide Assignments and Subcommittee Reports
- T. Written Communications

ORAL COMMUNICATIONS NO. 2

ADJOURNMENT

File Attachments for Item:

F. Approve Minutes of City Council Special Meeting of Joint City Council, Brisbane GVMID Financing Authority, and Guadalupe Valley Municipal Improvement District Special Meeting of June 29, 2023



BRISBANE CITY COUNCIL

ACTION MINUTES

JOINT CITY COUNCIL, BRISBANE GVMID FINANCING AUTHORITY & GUADALUPE VALLEY MUNICIPAL IMPROVEMENT DISTRICT SPECIAL MEETING AGENDA THURSDAY, JUNE 29, 2023

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

6:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Davis called the meeting to order at 6:34pm and led the Pledge of Allegiance.

ROLL CALL

- A. Consider any request of a City Councilmember to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

No Councilmembers made a request to attend the meeting remotely.

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, Legal Counsel Roush, Finance Director Yuen, City Engineer Breault, Community Development Director Swiecki, Communications Manager Cheung, Parks and Recreation Director Leek, Economic Development Director Bull, Human Resources Administrator Partin, Senior Management Analyst Velilla, Deputy Fire Chief Johnson, Police Commander Garcia and Administrative Analyst Ibarra

ADOPTION OF AGENDA

Council made a request to discuss items in the following order: Q, S, M, N, O, P, R, K, and L and to close in memory of long-time residents Walt Long and Evangelina Delgadillo Macias. Mayor Davis made a motion, seconded by Councilmember O’Connell, to approve the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

ORAL COMMUNICATIONS NO. 1

No member of the public wished to make public comment.

CONSENT CALENDAR

- B. Approve Minutes of City Council Closed Session Meeting of June 1, 2023**
- C. Approve Minutes of Joint City Council and GVMID Financing Authority Meeting of June 1, 2023**
- D. Approve Minutes of City Council Meeting of June 15, 2023**
- E. Approve Annual Military Equipment Report per AB 481**
- F. Acknowledge Termination of Drought Stage 1 Requirements**
- G. Adopt a Resolution Supporting the Central Brisbane Stairway Additions Project and Entering a Funding Agreement with the San Mateo County Transportation Authority for Cycle 6 Pedestrian and Bicycle Program Funding**

(It is being recommended to adopt a resolution of support and commitment, also requesting the San Mateo County Transportation Authority (TA) prepare a funding agreement for Cycle 6 Measures A and W Pedestrian and Bicycle Program funding in the amount of \$475,000 and approve the supplemental appropriation from the General Fund for the local project match in the amount of \$25,000.)

- H. Approve Co-Sponsorship Event with San Bruno Mountain Watch for a Celebration for David Schooley**
- J. Consider Adoption of Resolution establishing the Appropriation Limit for Fiscal Year 2023-2024**

Councilmember Cunningham made a motion, seconded by Councilmember Mackin, to approve Consent Calendar Items B-H and J. The motion was carried unanimously by all present.

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

- I. Adopt Resolutions to Establish the Classifications of Human Resources Director and Police Corporal and Amend the Master Pay Schedule**

After Council questions with City Manager Holstine and Legal Counsel Roush and Council discussion, Councilmember Lentz made a motion, seconded by Mayor Davis, to adopt resolutions to establish the classifications of Human Resources Director and Police Corporal and amend the Master Pay Schedule. The motion passed with a 4-1 vote.

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

NEW BUSINESS

Q. Consider Adoption of a Resolution Granting Consent to the City of Burlingame to form the San Francisco Peninsula Tourism Marketing District (SFPTMD) to Include the City of Brisbane

Economic Development Director Bull reported that this item is about granting consent to the City of Burlingame to form the San Francisco Peninsula Tourism Marketing District ("SFPTMD") to include the City of Brisbane in the SFPTMD. There will be no fiscal impact and the purpose is to promote tourism in the Peninsula.

After some Council questions, Council discussion and no public comment, Councilmember Lentz made the motion, seconded Councilmember Cunningham to adopt a Resolution granting consent to the City of Burlingame to form the San Francisco Peninsula Tourism Marketing District (SFPTMD) to include the City of Brisbane. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

S. Consider Authorizing City Manager to sign a Storm Drain Cleaning Contract

(Council will consider Authorizing the City Manager to execute a contract to clean debris flow sediment deposited in the city's storm drain system as a result of the 2022 New Years Eve storm. The contract amount is estimated to be \$1.7M. A condition precedent to the City Manager executing this contract is the City Attorney's review and approval of same.)

City Engineer Randy Breault reported that the purpose of the recommended action is to establish procurement authority so the City may publish and receive bids, and then enter into a contract for, storm drain cleaning during the Council's summer recess.

After some Council questions, Council discussion and no public comment. Councilmember Lentz made a motion, seconded by Councilmember Mackin to authorize the City Manager to sign a Storm Drain Cleaning Contract. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

PUBLIC HEARING

M. Consider Adoption of Resolution adopting a Master Fee Schedule

Finance Director Yuen reported that the purpose of this public hearing item is to ensure the users of services as outlined in the City's Cost Recovery Policy pay for the services provided by the City. She added that it is being recommended to adopt a Resolution, which generally increases fees by 4%.

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

Michele Salmon commented that the City is subsidizing too much of the costs for child care. She added that there should be a balance to the fee structure because the City has a lot of infrastructure that needs repair. Lastly, she appreciated the Council's efforts in reviewing the City budget in detail.

Michael Barnes commented that the fees proposed will not be enough to cover the cost in the improvements for facilities such as the soccer field and swimming pool.

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

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

Noes: None

Absent: None

Abstain: None

After some Council discussion, Councilmember Lentz 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, Lentz, Mackin, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

N. City of Brisbane Local Stormwater Program Fees

- 1. Open the Public Hearing and take public comment. Close the Public Hearing, and if appropriate, overrule any objections to the imposition of fees related to the National Pollutant Discharge Elimination System (NPDES)**
- 2. Consider adoption Resolution, "A Resolution of the City Council of the City of Brisbane Imposing Charges for Funding the Local Brisbane Stormwater Program, Authorizing Placement of Said Charges on the 2023-2024 County Tax Roll and Authorizing the County Tax Collector to Collect Such Charges."**

City Engineer Breault reported that on this item, Council is considering imposition of annual tax roll charges that fund Brisbane's Local Stormwater Program. This program minimizes discharge of pollutants to San Francisco Bay in accordance with federally mandated permit requirements. This program also has a budget shortfall of \$408,377 and Council may wish to pursue increasing assessments to begin to address the shortfall.

After Council questions, Mayor Davis opened the Public Hearing. No members of the public wished to speak. 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, Lentz, Mackin, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

After some Council discussion, Councilmember Lentz made a motion, seconded by Councilmember Cunningham to pursue the research in increasing assessments to begin to address the shortfall and to adopt a Resolution imposing charges for funding the Local Brisbane Stormwater Program, authorizing placement of said charges on the

2023-2024 County Tax Roll and authorizing the County Tax Collector to collect such charges.

O. Water Shortage Contingency Plan

- 1. Consider Approving a Resolution of the City of Brisbane Adopting a Water Shortage Contingency Plan**
- 2. Consider Approving a Resolution of the GVMID Board of Directors Adopting a Water Shortage Contingency Plan**
- 3. Consider Introduction of an Ordinance, First reading of Ordinance revising Chapter 8.41, revising the Water Shortage Contingency Plan**

(If so approved, action taken on these Resolutions and introduction and adoption of the Ordinance is not subject to further environmental review because it is not a project under the California Environmental Quality Act (CEQA). CEQA Guidelines, section 15378 (b) (2).)

City Engineer Breault reported that this item will bring the City in compliance with California State Water Code and ensure the City has sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection; and to protect the health of the larger community.

After some council questions, Mayor Davis opened the public hearing for the City of Brisbane and GVMID. No members of the public wished to speak.

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

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

Noes: None

Absent: None

Abstain: None

After some council discussion, Mayor Davis made a motion, seconded by Council Lentz, to adopt a Resolution Approving a Resolution of the City of Brisbane Adopting a Water Shortage Contingency Plan and a Resolution of the GVMID Board of Directors Adopting a Water Shortage Contingency Plan. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Mayor Davis made a motion, seconded by Council O'Connell, to introduce an Ordinance, revising Chapter 8.41, revising the Water Shortage Contingency Plan. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

P. Sierra Point Landscaping and Lighting District

- 1. Hear Statement of Engineer of Record, Read Mayor's Statement, Hear City Clerk Statement, Open**

Public Hearing to hear any testimony, Close Public Hearing

2. Consider adoption of Resolution overruling protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 23/24

The Engineer of Record made a statement followed by an opening statement by the Mayor and the City Clerk, Mayor Davis opened the public hearing. No members of the public wished to speak.

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

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

Noes: None

Absent: None

Abstain: None

Councilmember O'Connell made a motion, seconded by Council Cunningham, to adopt a Resolution overruling protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 23/24. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

R. Consider Authorizing the City Manager to Sign Agreements for Funding and for Purchase and Installation of Fiber Optic Facilities

(If authorized, the funding agreement with the City/County Association of Governments of San Mateo County (C/CAG) will provide that C/CAG pays for 100% of the cost of installation, including any amendments found necessary during construction. The current cost estimate for the install of C/CAG's and Brisbane's "filled" Fiber Optic conduit is \$831,924)

City Engineer Randy Breault reported that the purpose of the recommended action is to grant the City Manager authority to execute a funding agreement for C/CAG to pay for fiber optic facilities, and a purchase and installation agreement for fiber optic facilities.

After Council questions, and no public comment. Council discussed their concerns about traffic signs' size and location and the City having a say whether the traffic signs are needed in the City.

Michele Salmon stated that the fiber optics are a good idea but is unsure about the traffic signs in the City.

After some council discussion, Councilmember Cunningham made a motion, seconded by Councilmember Lentz, to approve phase one which is a funding agreement between the City/County Association of Governments of San Mateo County and the City of Brisbane for conduit purchase and fiber installation for the smart corridor extension project given that City Engineer Breault clarifies with C/CAG that the City has the final say about the traffic signals in the City, i.e., size, location and whether it is needed. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

The Council took a brief break.

OLD BUSINESS

K. Continued Budget Workshop

(This item is being continued from the City Council Meeting of June 15, 2023.)

After a brief staff report from City Manager Holstine and Council questions with departments, Michelle Salmon commented that the City needs to tighten our belts and be fiscally conservative. She added that doing the City budget once a year is a good idea.

PUBLIC HEARING

L. Consider Adoption of Resolutions to approve the budget for Fiscal Year 2023/24

- 1. Adopt Resolution adopting the annual budget for Fiscal Year 2023-2024 and making appropriations for the amounts budgeted for the City, the Successor Agency and Housing Authority**
- 2. Adopt Guadalupe Valley Municipal Improvement District Resolution adopting the annual budget for Fiscal Year 2023-2024 and making appropriations for the amounts budgeted**

After no staff report and council questions, Mayor Davis opened the public hearing. No members of the public wished to speak.

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, Lentz, Mackin, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

After some Council discussion and Council expressing their desire to evaluate the budget status after six months, Mayor Davis made a motion, seconded by Councilmember O'Connell, to adopt a Resolution adopting the annual budget for Fiscal Year 2023-2024 and making appropriations for the amounts budgeted for the City, the Successor Agency and Housing Authority. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Chair Davis made a motion, seconded by Board member O'Connell, to adopt a Guadalupe Valley

Municipal Improvement District Resolution adopting the annual budget for Fiscal Year 2023-2024 and making appropriations for the amounts budgeted. The motion was carried unanimously by all present.

Ayes: Board members Cunningham, Lentz, Mackin, O'Connell and Chair Davis

Noes: None

Absent: None

Abstain: None

STAFF REPORTS

T. City Manager's Report on Upcoming Activities

City Manager Holstine reported on the latest news. The next City Council meeting is scheduled for September 21, 2023.

MAYOR/COUNCIL MATTERS

U. Countywide Assignments and Subcommittee Reports

Councilmembers reported on their subcommittee meetings, Countywide assignments and the City events they have attended.

V. Written Communications

Written Communication was received by Council between (6/15-6/29/23) from Jeremy Spitz, San Francisco Public Utilities Commission (6/20/23) regarding PG&E Power Asset Acquisition project - CEQA Update.

ORAL COMMUNICATIONS NO. 2

Mayor Davis made a motion, seconded by Councilmember O'Connell, to extend the meeting to 10:35 P.M. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Michelle Salmon commented that Council's three-month summer recess was too long. The Council have urgent business to attend to.

ADJOURNMENT

Mayor Davis adjourned at 10:37 P.M. in memory of Walt Long and Evangelina Delgadillo Macias.

Ingrid Padilla

City Clerk

File Attachments for Item:

G. Approve Minutes of City Council Closed Session Meeting of September 21, 2023



BRISBANE CITY COUNCIL**ACTION MINUTES**

BRISBANE CITY COUNCIL CLOSED SESSION MEETING**THURSDAY, SEPTEMBER 21, 2023***HYBRID MEETING, 50 PARK PLACE LARGE CONFERENCE ROOM,
BRISBANE, CA***6:00 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**

Mayor Davis called the meeting to order at 6:04 P.M.

Councilmember Cunningham made a motion, seconded by Councilmember O'Connell to approve the Closed Session Agenda as it stands. The motion passed unanimously by all present:

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

Noes: None

Absent: None

Abstain: None

D. Personnel Matters: Public Employment, pursuant to Government Code, section 54957(b)**Title: City Manager****REPORT OUT OF CLOSED SESSION**

City Attorney McMorrow reported that direction was given to staff pertaining to the Personnel Matter.

ADJOURNMENT

The meeting was adjourned at 7:15 P.M.

File Attachments for Item:

H. Accept Investment Reports as of August 2023

**CITY OF BRISBANE
CASH BALANCES & INVESTMENTS
SOURCE OF FUNDING
August 31, 2023**

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		\$ 6,551,945	\$ 6,551,945	\$ 6,551,945	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	\$ 1,036,142	\$ 1,036,142	\$ 1,036,142	3.370	on call	110% collateral no rating
Other Investments								
	FFCB	3/8/2022	\$ 1,000,000	\$ 1,000,000	\$ 980,350	1.670	03/08/2024	
	FHLB	4/22/2022	\$ 1,000,000	\$ 1,000,000	\$ 980,150	2.400	04/22/2024	
	Goldman Sachs	5/1/2019	\$ 246,000	\$ 246,000	\$ 241,486	2.750	05/01/2024	
	FHLB	7/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 981,350	3.350	07/26/2024	
	Wells Fargo Bank	9/23/2022	\$ 250,000	\$ 250,000	\$ 245,903	3.750	09/23/2024	
	American Express	9/21/2022	\$ 250,000	\$ 250,000	\$ 245,438	3.750	09/24/2024	
	FHLB	12/31/2021	\$ 1,000,000	\$ 1,000,000	\$ 953,690	1.000	09/30/2024	
	FHLM	12/13/2022	\$ 1,000,000	\$ 1,000,000	\$ 992,460	5.140	12/13/2024	
	FHLB	3/24/2022	\$ 1,000,000	\$ 1,000,000	\$ 950,340	2.000	03/24/2025	
	FHLB	4/22/2022	\$ 1,000,000	\$ 1,000,000	\$ 960,260	2.750	04/22/2025	
	FHLB	7/28/2022	\$ 1,000,000	\$ 1,000,000	\$ 976,160	4.050	07/28/2025	
	FHLB	12/31/2021	\$ 1,000,000	\$ 1,000,000	\$ 925,640	1.300	09/30/2025	
	FHLB	10/27/2022	\$ 1,000,000	\$ 1,000,000	\$ 991,070	4.750	10/27/2025	
	FHLB	10/27/2022	\$ 1,000,000	\$ 1,000,000	\$ 991,990	5.000	10/27/2025	
	FFCB	9/12/2022	\$ 1,000,000	\$ 1,000,000	\$ 974,710	4.125	12/12/2025	
	FHLM	8/28/2023	\$ 1,000,000	\$ 1,000,000	\$ 999,980	5.700	06/28/2026	
	FHLB	9/29/2022	\$ 1,000,000	\$ 1,000,000	\$ 970,990	4.150	09/29/2026	
	FHLB	3/25/2022	\$ 1,000,000	\$ 1,000,000	\$ 927,030	2.600	03/25/2027	
	FHLB	5/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 965,940	3.500	05/26/2027	
	FHLB	5/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 956,960	3.750	05/26/2027	
	FHLB	9/30/2022	\$ 1,000,000	\$ 1,000,000	\$ 981,440	5.000	09/30/2027	
BNY Mellon	Treasury Obligations	continuous	\$ 938,152	\$ 938,152	\$ 938,152	5.250	on call	110% collateral
Sub-total			\$ 19,684,152	\$ 19,684,152	\$ 19,131,488			
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	\$ -	10031			
		Reserve	Fed Treas Obl	\$ 521,700	10032			
		Expense Fund	Fed Treas Obl	\$ -	10035			
PARS	OPEB Trust	Trust Cash	Investments	\$ 3,749,609	13050			
PARS	Retirement Trust	Trust Cash	Investments	\$ 1,387,932	13050			
Sub-total	Cash with Fiscal Agents			\$ 5,659,243				
Total other investments			\$ 19,684,152	\$ 25,343,395	\$ 19,131,488			
TOTAL INVESTMENTS & CASH BALANCES			\$ 27,272,239	\$ 32,931,482	\$ 26,719,575			

Outstanding Loans to Department Heads

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	4/1/2002	318,750	\$ 318,750	Variable, LAIF + 1%
Clay Holstine (1)	7/8/2008	300,000	\$ -	Paid off Dec 2016
Clay Holstine (2)	9/10/2008	200,000	\$ 125,000	Variable, LAIF + 1%

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

Two year Treasury	4.85%	
Weighted Interest	2.68%	
Weighted maturity	2.32	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:

I. Award the Construction Contract for the Lower Visitation Overlay to G. Bortolotto & Company, Inc. In the Amount Of \$245,000, and Authorize the Mayor to Sign the Agreement for the City



CITY COUNCIL AGENDA REPORT

Meeting Date: October 5, 2023

From: Karen Kinser, Deputy Director of Public Works

Subject: Lower Visitation Overlay Project (Project No. 922H)

Community Goal/Result - Safe Community

Purpose - To provide preventative maintenance and repair on Visitation Avenue between San Francisco Avenue and Mendocino Street

Recommendation - Award the construction contract for the Lower Visitation Overlay to G. Bortolotto & Company, Inc. in the amount of \$245,000, and authorize the mayor to sign the Agreement for the City.

Background

The city received four bids on September 21st, 2023:

G. Bortolotto & Company, Inc.	\$245,000.00
Radius Earthwork	\$249,700.00
Interstate Grading and Paving Inc.	\$314,110.00
JV Lucas Paving	\$413,615.70

Staff reviewed the apparent low bid and determined that the proposal was responsive, and the bidder was responsible. The low bid minimally exceeded the engineer's estimate of \$200,000.

Impacts to pedestrians, cyclists, and the motoring public will be minimal during construction, which is expected to occur in the fall. The contractor will be required to keep one lane of traffic open in each direction on Visitation Avenue, but parking will be impacted during construction.

Environmental Review

The project in question is roadway reconstruction, primarily involving the placement of an asphalt concrete overlay. This work is consistent with Title 14, California Code of Regulations, Section 15302, Class 2 (c) in that replacement activities associated with the project are on the same site as the existing facilities and the replacement of existing facilities will have no change in purpose or expansion of capacity. Accordingly, the project is categorically exempt from CEQA.

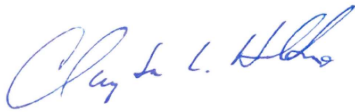
Fiscal Impact

2022-2023 RMRA Funds and Measure A Sales Tax and State Gas Tax revenues will fund this project.

Karen Kinser, Deputy Director of Public Works



Randy Breault, Director of Public Works/City Engineer



Clay Holstine, City

File Attachments for Item:

J. Award The Construction Contract for the Upper Visitacion Overlay to Radius Earthwork in the Amount of \$219,174 and Authorize the Mayor to Sign the Agreement for the City



CITY COUNCIL AGENDA REPORT

Meeting Date: October 5, 2023

From: Karen Kinser, Deputy Director of Public Works

Subject: Upper Visitation Overlay Project (Project No. 922I)

Community Goal/Result - Safe Community

Purpose - To provide preventative maintenance and repair on Visitation Avenue between Mendocino Street and San Benito Road.

Recommendation - Award the construction contract for the Upper Visitation Overlay to Radius Earthwork in the amount of \$219,174 and authorize the mayor to sign the Agreement for the City.

Background

The city received four bids on September 21st, 2023:

Radius Earthwork	\$219,174.00
G. Bortolotto & Company, Inc.	\$237,120.00
Interstate Grading and Paving Inc.	\$286,835.00
JV Lucas Paving	\$336,504.75

Staff reviewed the apparent low bid and determined that the proposal was responsive, and the bidder was responsible. The low bid minimally exceeded the engineer's estimate of \$180,000.

Impacts to pedestrians, cyclists, and the motoring public will be minimal during construction, which is expected to occur in the fall. The contractor will be required to keep one lane of traffic open in each direction on Visitation Avenue, but parking will be impacted during construction.

Environmental Review

The project in question is roadway reconstruction, primarily involving the placement of an asphalt concrete overlay. This work is consistent with Title 14, California Code of Regulations, Section 15302, Class 2 (c) in that replacement activities associated with the project are on the same site as the existing facilities and the replacement of existing facilities will have no change in purpose or expansion of capacity. Accordingly, the project is categorically exempt from CEQA.

Fiscal Impact

2022-2023 RMRA Funds and Measure A Sales Tax and State Gas Tax revenues will fund this project.

Karen Kinser, Deputy Director of Public Works



Randy Breault, Director of Public Works/City Engineer



Clay Holstine, City

File Attachments for Item:

K. Authorize the City Manager to execute the attached Quitclaim Deed for easements on APN 007-150-030 and 007-150-040



CITY COUNCIL AGENDA REPORT

Meeting Date: October 5, 2023
From: Director of Public Works/City Engineer
Subject: Quitclaim of Unnecessary Easements

Community Goal/Result

Economic Development

Purpose

To review requested Quitclaim Deed for easements that are no longer needed by the City.

Recommendation

Authorize the City Manager to execute the attached Quitclaim Deed for easements on APN 007-150-030 and 007-150-040.

Background

The City has multiple access/utility easements that cross the properties located on Van Waters Road. These agreements were granted in the early 1980s. During the recent development of these properties, the engineer of record noted that the location of the easements did not align with the location of the utilities.

The development team and city staff worked together to draft new easements for the city's utilities, and to draft a quitclaim of the 1980s easements that were no longer needed.

Discussion

The attached ALTA/ACSM Land Title Survey ("easement map") has been colored to indicate the transactions to be undertaken. Those easements highlighted in green and in yellow overlaid with red hash marks are the easements to be quitclaimed.

The easements overlaid with red hash marks show the new easements that have been granted to the city. These new easements have already been accepted by the Director of Public Works pursuant to authority granted by Resolution No. 77-56. (Note that these new easements do include a general note providing vehicular and pedestrian access across the property, so the previously specified access easement from Bayshore Boulevard is no longer necessary.)

Legal Counsel and the Director of Public Works have reviewed all of the agreements, the easement map, and the Preliminary Report that delineated the easements to be quitclaimed; their recommendation is to approve the Quitclaim Deed.

Fiscal Impact

There is no fiscal impact to the city as a result of approving the recommendation.

Measure of Success

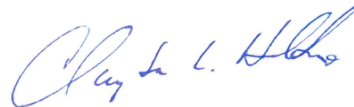
This is the final step in ensuring that the City has all of the access and utility easements necessary to provide continuing service. The recommended action will quitclaim unneeded easements, and remove unnecessary title burdens from the owner's property.

Attachments

1. Quitclaim Deed (APNs 007-150-030, 007-150-040)
2. ALTA/ACSM Land Title Survey ("easement map")
3. Public Utilities Easement Agreement (recorded 2023-043640)
4. Storm Drainage Easement Agreement (recorded 2023-043641)



Randy Breault, Public Works Director



Clay Holstine, City Manager

RECORDING REQUESTED BY:

First American Title Insurance Company National
Commercial Services

WHEN RECORDED MAIL DOCUMENT TO:

M&L Associates
c/o Prologis
Attn: Legal Dept (M Harris – D Horton)
1800 Wazee Street, Suite 500
Denver, CO 80202

Space Above This Line for Recorder's Use Only

QUITCLAIM DEED

A.P.N.: 007-150-030 and 007-150-040

THE UNDERSIGNED GRANTOR DECLARES DOCUMENTARY TRANSFER TAX is \$0.00. Both the value of the property conveyed herein, and the consideration received by Grantor, is less than \$100.00. (California Revenue and Taxation Code § 11911.)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, CITY OF BRISBANE, a municipal corporation ("Grantor") DOES

hereby remise, release and forever quitclaim to M&L ASSOCIATES, a New Jersey general partnership ("Grantee")

any and all right, title or interest that Grantor has or may have under, or by virtue of (collectively, the "Grants of Easement") (i) that certain Grant Deed recorded on January 18, 1980 in the Official Records of San Mateo County, California as Instrument No. 10278-AP in Book 7932, Page 46, (ii) that certain Grant Deed recorded on January 18, 1980 in the Official Records of San Mateo County, California as Instrument No. 10279-AP in Book 7932, Page 53, (iii) an easement for emergency public vehicle access, water mains, sanitary sewers, public utilities and incidental purposes, as shown or dedicated on that certain Parcel Map recorded on January 18, 1980 in Parcel Maps of San Mateo County, California in Book 48, Page 98, and (iv) that certain Indenture recorded on March 8, 1982 in the Official Records of San Mateo County, California as Instrument No. 82018658, which Grants of Easement was recorded against portions of that certain real property located in the City of Brisbane, County of San Mateo, State of California, as more particularly described the Grants of Easement.

This Quitclaim Deed may be executed in any number of counterparts.

[Signatures Follows on Next Page]

K.

Executed to be effective as of this ____ day of _____, 2023.

City of Brisbane,
a Municipal corporation

[Signatures continue on following page]

M & L ASSOCIATES,
a New Jersey general partnership

By: Prologis OP M&L Holdings LLC,
a Delaware limited liability company,
a Partner

By: Prologis, L.P.,
a Delaware limited partnership,
its sole member

By: Prologis, Inc.,
a Maryland corporation,
its general partner

By: _____
Name: _____
Title: _____

By: Prologis M&L Holdco LLC,
a Delaware limited liability company,
a Partner

By: PAC Operating Limited Partnership,
a Delaware limited partnership,
its sole member

By: Palmtree Acquisition Corporation,
a Delaware corporation,
its general partner

By: _____
Name: _____
Title: _____

[Signatures continue on following page]

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

STATE OF CALIFORNIA)
) §
 County of _____)

On _____, before me, _____
 a Notary Public, personally appeared _____
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
 subscribed to the within instrument and acknowledged to me that he/she/they executed the same
 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
 the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
 foregoing paragraph is true and correct

WITNESS my hand and official seal.

 Signature of Notary

(Affix seal here)

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

STATE OF CALIFORNIA)
) §
 County of _____)

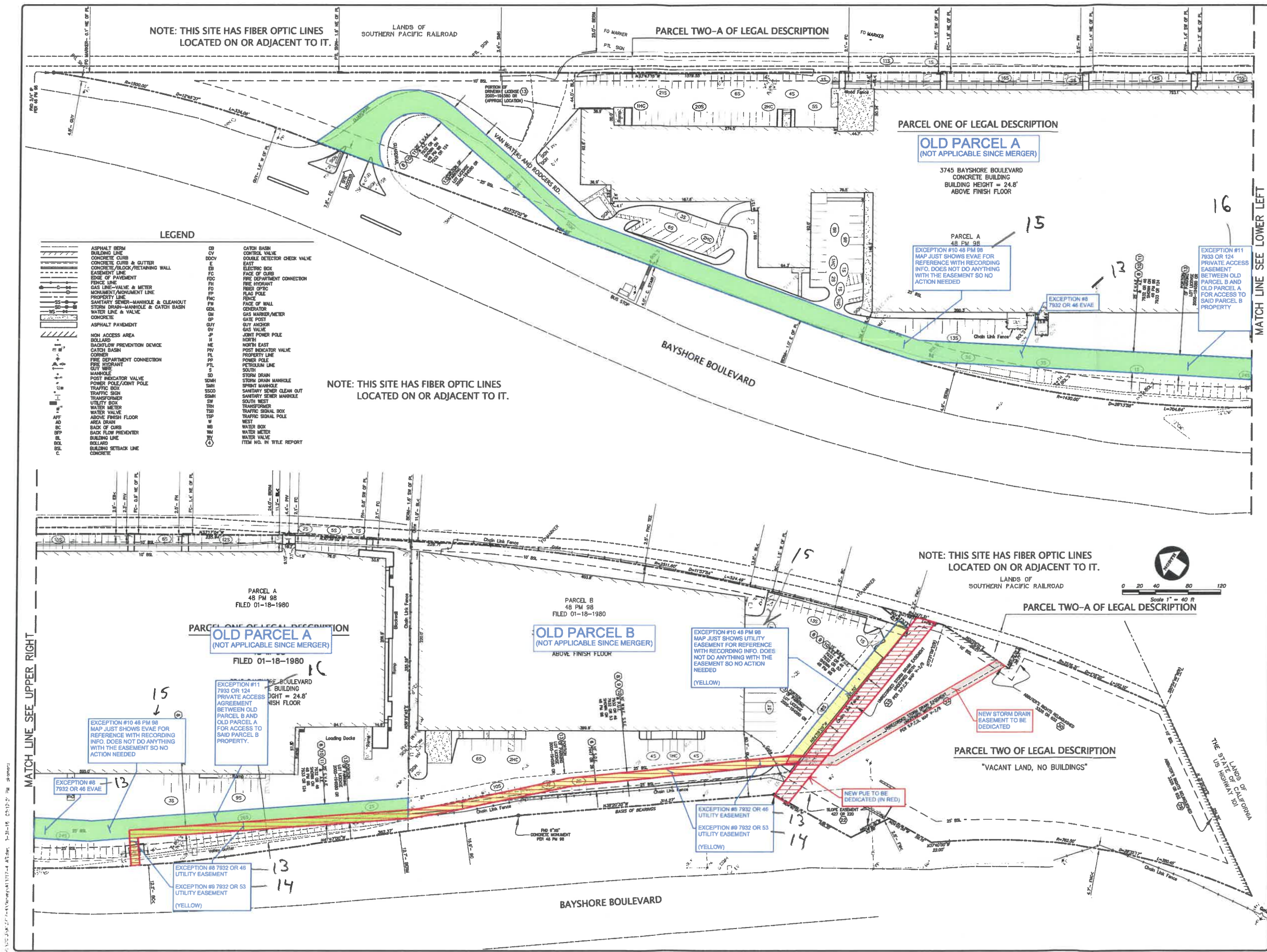
On _____, before me, _____
 a Notary Public, personally appeared _____
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
 subscribed to the within instrument and acknowledged to me that he/she/they executed the same
 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
 the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
 foregoing paragraph is true and correct

WITNESS my hand and official seal.

 Signature of Notary

(Affix seal here)



REVISION

NO.	DATE	BY	REASON
1	7/1/16	JAK	UPDATE DUE TO REVISED COMMENTARY 3/17/16

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
2830 Collier Canyon Road
Livermore, California 94551
Phone (925) 245-8788
Fax (925) 245-8796

CALIFORNIA

ALTA/ACSM LAND TITLE SURVEY
OF
3745-3785 BAYSHORE BLVD
FOR
PROLOGIS

BRISBANE

DATE	JULY 2014
SCALE	1" = 40'
SURVEYOR	JAK
DRAFTER	GC
JOB NO.	A13717-4
SHEET	2
OF	2 SHEETS

2023-043640

Simplifile,

11:25 am 09/08/2023 ES Fee: \$59.00

Count of Pages 15

Recorded in Official Records

County of San Mateo

Mark Church

Assessor-County Clerk-Recorder

**RECORDING REQUESTED BY:**

First American Title Insurance Company
National Commercial Services

WHEN RECORDED MAIL DOCUMENT TO:

M&L Associates
c/o Prologis
Attn: Legal Dept (M Harris – D Horton)
1800 Wazee Street, Suite 500
Denver, CO 80202

APN: 007-150-030 and 007-150-040

Space Above This Line for Recorder's Use Only

THE UNDERSIGNED GRANTOR DECLARES DOCUMENTARY TRANSFER TAX is \$0.00. Both the value of the property conveyed herein, and the consideration received by Grantor, is less than \$100.00. (California Revenue and Taxation Code § 11911.)

PUBLIC UTILITIES EASEMENT AGREEMENT

This Public Utilities Easement Agreement is intended to evidence the agreement between **M&L Associates**, a New Jersey general partnership ("Grantor") and the **City of Brisbane**, a municipal corporation ("Grantee") with respect to that certain Public Utilities Easement (as hereinafter defined), which Public Utilities Easement is referenced on that certain unrecorded Southern Pacific Company Railroad Right of Way Map dated January 21, 1981. This Public Utilities Easement Agreement shall, and hereby does, supersede any and all prior agreements between Grantor and Grantee with respect to the Public Utilities Easement.

For value received, Grantor hereby grants, bargains, sells and conveys to Grantee a non-exclusive easement and right to construct, repair, replace, operate, inspect and maintain public utility lines and all related facilities (the "Public Utilities Easement") through, under and along the following described property in the City of Brisbane, County of San Mateo, State of California:

The Grantor's property is more particularly described in **Exhibit "A" – Property Legal Description**.

The Public Utilities Easement is more particularly described as a strip of land described and depicted in **Exhibit "B" – Easement Legal Description** and **Exhibit "C" – Map of Easement**, both attached hereto and by this reference made a part hereof (collectively, the "Easement Area").

Grantee shall give reasonable notice to Grantor before accessing the Easement Area and commencing activities permitted hereunder in the Easement Area.

Grantor further grants to Grantee rights to vehicular and pedestrian ingress and egress over and across drive aisles on Grantor's property reasonably adjacent to the Easement Area for the sole purpose of Grantee exercising its rights hereunder, provided, however, in no event shall Grantee block or prohibit Grantor's or its tenants' or invitees' access to and from the Grantor's property or unreasonably restrict parking on Grantor's property.

The true and actual consideration for this conveyance is other good and valuable consideration.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Public Utilities Easement Agreement as of this 31 day of August, 2023.

M & L ASSOCIATES,
a New Jersey general partnership

By: Prologis OP M&L Holdings LLC,
a Delaware limited liability company,
a Partner

By: Prologis, L.P.,
a Delaware limited partnership,
its sole member

By: Prologis, Inc.,
a Maryland corporation,
its general partner

By: Genevieve A. Cadwalader
Name: Genevieve A. Cadwalader
Title: Vice President

By: Prologis M&L Holdco LLC,
a Delaware limited liability company,
a Partner

By: PAC Operating Limited Partnership,
a Delaware limited partnership,
its sole member

By: Palmtree Acquisition Corporation,
a Delaware corporation,
its general partner

By: Genevieve A. Cadwalader
Name: Genevieve A. Cadwalader
Title: Vice President

City of Brisbane,
a Municipal corporation

see attached certificate of acceptance

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

STATE OF CALIFORNIA)

County of San Francisco) §

On August 31st, 2023, before me, Leslie Fay Mills
 a Notary Public, personally appeared Genevieve A. Cadwalader
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
 subscribed to the within instrument and acknowledged to me that he/she/they executed the same
 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
 person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Leslie Fay Mills
 Signature of Notary

(Affix seal here)



NOTARY ACKNOWLEDGMENT

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STATE OF CALIFORNIA)

County of San Francisco) §

On August 31st, 2023, before me, Leslie Fay Mills
 a Notary Public, personally appeared Genevieve A. Cadwalader
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
 subscribed to the within instrument and acknowledged to me that he/she/they executed the same
 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
 person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Leslie Fay Mills
 Signature of Notary

(Affix seal here)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Mateo

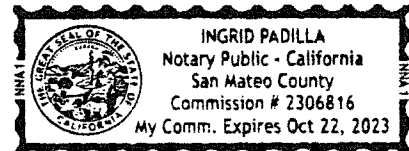
On September 5, 2023 before me, Ingrid Padilla, Notary Public
(insert name and title of the officer)

personally appeared Randy Breanlt,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

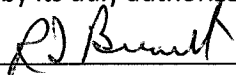
Signature Ingrid Padilla (Seal)



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant from M&L Associates to the City of Brisbane is hereby accepted by the undersigned officer on behalf of the City Council pursuant to authority conferred by resolution of the City Council adopted on June 27, 1977, and the grantee consents to recordation thereof by its duly authorized officer.

DATED: September 1, 2023



DIRECTOR OF PUBLIC WORKS
R.L. Breaugh

RESOLUTION NO. 77-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
 AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ACCEPT
AND CONSENT TO DEEDS OR GRANTS OF REAL ESTATE

WHEREAS, Section 27281 of the Government Code provides that a political corporation or governmental agency for public purposes may not have deeds or grants conveying an interest in or easement upon real estate to it accepted for recordation without its consent evidenced by its certificate or resolution of acceptance; and

WHEREAS, the City Council may, by general resolution, authorize an officer or agent to accept and consent to a deed or grant conveying an interest in or easement upon real estate to the City and it is in the interest of convenience and efficiency to designate the Director of Public Works as the officer authorized to accept deeds and grants.

THE CITY COUNCIL OF THE CITY OF BRISBANE RESOLVES as follows:

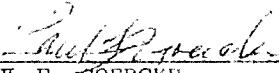
1. The Director of Public Works is authorized to accept and consent to all deeds and grants conveying an interest in or easement upon real estate to the City of Brisbane for public purposes.

2. Whenever a grantor conveys an interest in or easement upon real estate to the City of Brisbane by deed or grant for a public purpose, the Director of Public Works is authorized to accept and consent to the deed or grant and to execute a Certificate of Acceptance and consent in substantially the following form:

This is to certify that the interest in real property conveyed by the deed or grant from _____ to the City of Brisbane is hereby accepted by the undersigned officer on behalf of the City Council pursuant to authority conferred by resolution of the City Council adopted on _____, 1977, and the grantee consents to recordation thereof by its duly authorized officer.

DATED: _____ DIRECTOR OF PUBLIC WORKS

3. Prior to the Director of Public Works accepting and consenting to any deed or grant, he shall notify the City Council, in writing, the name of grantor and purpose of deed or grant for which he intends to accept and consent.



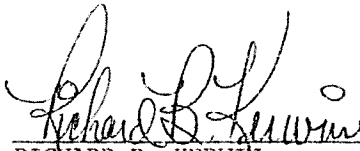
PAUL F. GOERCKE
Mayor

I, the undersigned, hereby certify that the foregoing Resolution No. 77-56, was duly and regularly passed and adopted by the Brisbane City Council at a regular meeting held thereof, on June 27, 1977, by the following vote:

Ayes: GOERCKE, HODGE, MILLER, THOMPSON, BRADSHAW

Noes: NONE

Absent: NONE



RICHARD B. KERWIN
City Clerk

EXHIBIT "A"

Property Legal Description

Real property in the City of Brisbane, County of San Mateo, State of California, described as follows:

BEING ALL OF PARCELS A AND B, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED FOR RECORD ON JANUARY 18, 1980, IN BOOK 48 OF PARCEL MAPS, AT PAGE 98, OFFICIAL RECORDS SAN MATEO COUNTY, AND ALL OF THE PROPERTY DESCRIBED IN THAT CERTAIN GRANT DEED, RECORDED ON APRIL 04, 2016, AS INSTRUMENT NO. 2016-029728, OFFICIAL RECORDS SAN MATEO COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID PARCEL A OF SAID MAP (48 PM 98), THENCE ALONG THE GENERAL EASTERLY BOUNDARY OF SAID PARCELS A & B, THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 33° 43' 15" EAST, 1519.55 FEET,
- 2) SOUTH 33° 17' 04" EAST, 235.94 FEET,
- 3) SOUTH 30° 39' 02" EAST, 229.71 FEET, AND
- 4) ALONG THE ARC OF A NON-TANGENT 2511.60 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 61° 31' 00" WEST, THROUGH A CENTRAL ANGLE OF 11° 57' 54", AN ARC DISTANCE OF 524.49 FEET, TO THE SOUTHEASTERLY CORNER OF SAID PARCEL B, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF THE PROPERTY DESCRIBED IN SAID GRANT DEED (2016- 029728 OR).

THENCE ALONG THE GENERAL EASTERLY BOUNDARY OF SAID PARCEL (2016-029728 OR), THE FOLLOWING FIVE (5) COURSES:

- 1) NORTH 04° 53' 53" EAST, 42.11 FEET,
- 2) ALONG THE ARC OF A NON-TANGENT 2471.51 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 71° 31' 51" WEST, THROUGH A CENTRAL ANGLE OF 01° 49' 18", AN ARC DISTANCE OF 78.58 FEET,
- 3) SOUTH 00° 09' 01" WEST, 96.21 FEET,
- 4) NORTH 85° 39' 01" EAST, 28.77 FEET,
- 5) ALONG THE ARC OF A NON-TANGENT 2576.31 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 76° 38' 29" WEST, THROUGH A CENTRAL ANGLE OF 04° 16' 20", AN ARC DISTANCE OF 192.10 FEET, TO THE SOUTHEASTERLY CORNER OF SAID PARCEL (2016-029728 OR).

THENCE ALONG THE GENERAL SOUTHERLY BOUNDARY OF SAID PARCEL (2016-029728 OR), SOUTH 31° 20' 25" WEST, 254.75 FEET, TO A POINT AT THE SOUTHWESTERLY

CORNER OF SAID PARCEL, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF BAYSHORE BOULEVARD, WHOSE WIDTH VARIES.

THENCE ALONG THE GENERAL WESTERLY BOUNDARY OF SAID PARCEL (2016-029728 OR) AND THE EASTERLY RIGHT OF WAY LINE OF BAYSHORE BOULEVARD, THE FOLLOWING FIVE (5) COURSES:

1) ALONG THE ARC OF A NON-TANGENT 762.50 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 80° 55' 17" WEST, THROUGH A CENTRAL ANGLE OF 28° 35' 17", AN ARC DISTANCE OF 380.45 FEET,

2) NORTH 37° 40' 00" WEST, 22.00 FEET,

3) NORTH 04° 05' 59" WEST, 59.16 FEET,

4) NORTH 60° 20' 30" WEST, 52.08 FEET, AND

5) NORTH 04° 40' 00" WEST, 108.35 FEET, TO THE NORTHWESTERLY CORNER OF SAID PARCEL (2016- 029728 OR), SAID POINT ALSO BEING THE SOUTH WESTERLY CORNER OF SAID PARCEL B (48 PM98).

THENCE ALONG THE GENERAL WESTERLY BOUNDARY OF SAID PARCELS A & B (48 PM 98), THE FOLLOWING FIVE (5) COURSES:

1) NORTH 38° 20' 35" WEST, 314.27 FEET,

2) NORTH 41° 47' 00" WEST, 362.37 FEET,

3) ALONG THE ARC OF A 1430.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28° 13' 58", AN ARC DISTANCE OF 704.64 FEET,

4) NORTH 13° 33' 02" WEST, 688.98 FEET,

5) ALONG THE ARC OF NON-TANGENT 1500.00 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 77° 25' 32" WEST, THROUGH A CENTRAL ANGLE OF 12° 45' 37", AN ARC DISTANCE OF 334.06 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL IS DESCRIBED IN THAT CERTAIN DECLARATION OF MERGER, RECORDED OCTOBER 27, 2022 AS INSTRUMENT NO. 2022-075904, SAN MATEO COUNTY RECORDS.

APN: 007-150-030, 007-150-040 AND 007-150-070

EXHIBIT "B"
LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF BRISBANE, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PROPERTY AS DESCRIBED IN THE DECLARATION OF MERGER, RECORDED ON OCTOBER 27, 2022 AS INSTRUMENT NUMBER 2022-075904, OFFICIAL RECORDS OF SAN MATEO COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID MERGED PARCEL (2022-075904 O.R.), AT THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE BEING DESCRIBED AS NORTH 38° 20' 35" WEST, 314.27 FEET IN SAID MERGER, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF BAYSHORE BOULEVARD (WIDTH VARIES);

THENCE LEAVING SAID WESTERLY LINE (2022-075904 O.R.) AND SAID EASTERLY RIGHT OF WAY LINE, THE FOLLOWING SIX (6) COURSES:

- 1) SOUTH 84° 59' 09" EAST, 49.15 FEET,
- 2) NORTH 39° 26' 51" WEST, 279.73 FEET,
- 3) NORTH 45° 48' 28" WEST, 161.04 FEET,
- 4) NORTH 41° 49' 41" WEST, 43.70 FEET,
- 5) NORTH 37° 52' 24" WEST, 331.09 FEET, AND
- 6) SOUTH 52° 07' 26" WEST, 33.68 FEET, TO A POINT ON SAID WESTERLY LINE (2022-075904 O.R.) AND SAID EASTERLY RIGHT OF WAY LINE,

THENCE ALONG SAID WESTERLY LINE (2022-075904 O.R.) AND SAID EASTERLY RIGHT OF WAY LINE, ALONG THE ARC OF A 1430.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WHOSE CENTER POINT BEARS NORTH 52° 24' 34" EAST FROM THE LAST DESCRIBED POINT, THROUGH A CENTRAL ANGLE OF 00° 24' 05", FOR AN ARC DISTANCE OF 10.02 FEET;

THENCE LEAVING SAID WESTERLY LINE (2022-075904 O.R.) AND SAID EASTERLY RIGHT OF WAY LINE, THE FOLLOWING SIX (6) COURSES:

- 1) NORTH 52° 07' 26" EAST, 43.60 FEET,
- 2) SOUTH 37° 52' 24" EAST, 341.82 FEET,
- 3) SOUTH 42° 01' 53" EAST, 40.28 FEET,
- 4) SOUTH 45° 48' 28" EAST, 161.22 FEET,
- 5) SOUTH 39° 26' 51" EAST, 291.81 FEET, AND
- 6) SOUTH 84° 59' 09" EAST, 216.08 FEET, TO A POINT ON THE EASTERLY LINE OF SAID PARCEL (2022-075904 O.R.), SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF SOUTHERN PACIFIC RAILROAD.

THENCE ALONG SAID EASTERLY LINE (2022-075904 O.R.) AND SAID WESTERLY RIGHT OF WAY LINE, SOUTH 17° 09' 32" EAST, 21.60 FEET;

THENCE LEAVING SAID EASTERLY LINE (2022-075904 O.R.) AND SAID WESTERLY RIGHT OF WAY LINE, NORTH 84° 59' 09" WEST, 283.99 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL (2022-075904 O.R.) AND THE EASTERLY RIGHT OF WAY LINE OF BAYSHORE BOULEVARD (WIDTH VARIES);

THENCE ALONG SAID WESTERLY LINE (2022-075904 O.R.) AND SAID EASTERLY RIGHT OF WAY LINE, NORTH 04° 40' 00" WEST, 20.29 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 14,306 SQUARE FEET OR 0.3284 ACRES OF LAND, MORE OR LESS.

AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND MADE A PART
HEREOF.

KIER & W CIVIL ENGINEERS & SURVEYORS, INC.



KC J. Keller
KC J. KELLER, P.L.S. 9731

4/26/23
DATE

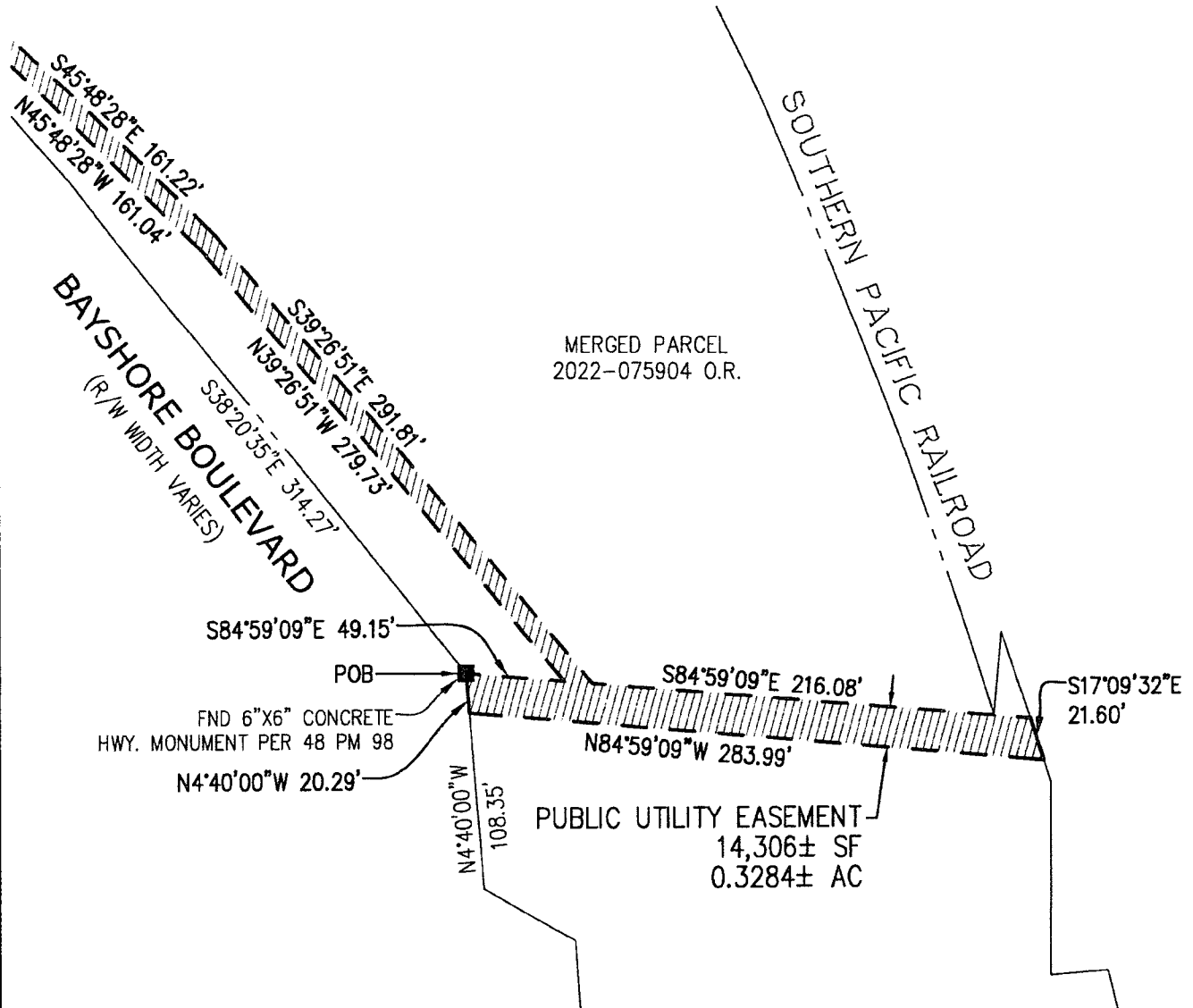
LEGEND

AC	ACRES
O.R.	OFFICIAL RECORD
PM	PARCEL MAP
POB	POINT OF BEGINNING
R/W	RIGHT OF WAY
SF	SQUARE FEET



0 40' 80' 160'
Scale 1" = 80 ft

SEE SHEET 2



2850 Collier Canyon Road
Livermore, CA 94551

Phone: (925) 245-8788
www.kierwright.com

KIER+WRIGHT

EXHIBIT "C" PUBLIC UTILITY EASEMENT

BRISBANE,

CALIFORNIA

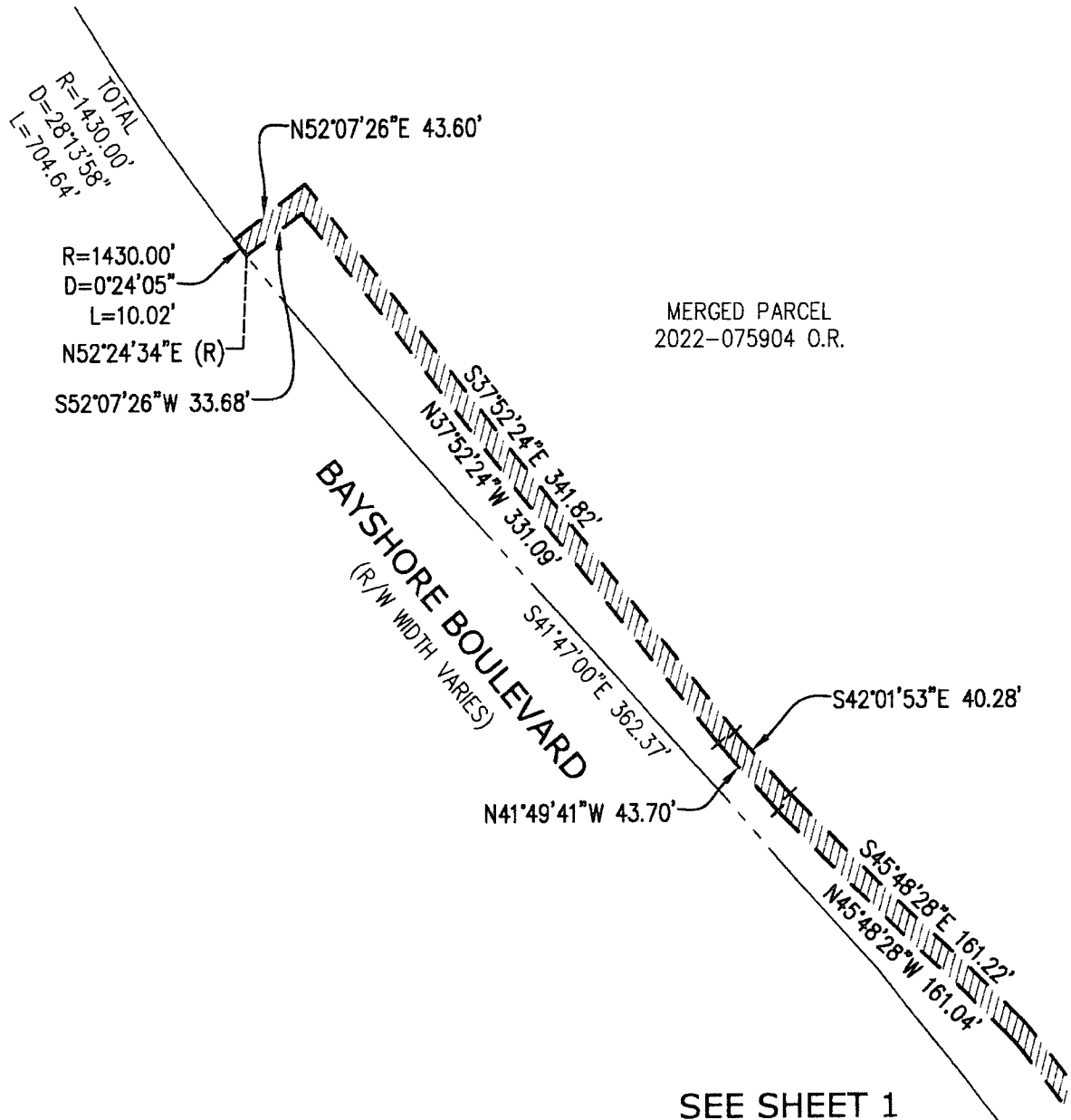
DATE	APRIL, 2023
SCALE	1" = 50'
BY	KJK
JOB NO.	A13717-14
SHEET	1 OF 2

LEGEND

AC ACRES
O.R. OFFICIAL RECORD
PM PARCEL MAP
POB POINT OF BEGINNING
R/W RIGHT OF WAY
SF SQUARE FEET



0 40' 80' 160'
Scale 1" = 80 ft



2850 Collier Canyon Road
Livermore, CA 94551

Phone: (925) 245-8788
www.kierwright.com

KIER+WRIGHT

EXHIBIT "C"
PUBLIC UTILITY
EASEMENT

BRISBANE,

CALIFORNIA

DATE	APRIL, 2023
SCALE	1" = 50'
BY	KJK
JOB NO.	A13717-14
SHEET	2 OF 2

2023-043641

Simplifile,

11:25 am 09/08/2023 ES Fee: \$56.00

Count of Pages 14

Recorded in Official Records

County of San Mateo

Mark Church

Assessor-County Clerk-Recorder

**RECORDING REQUESTED BY:**

First American Title Insurance Company
National Commercial Services

WHEN RECORDED MAIL DOCUMENT TO:

M&L Associates
c/o Prologis
Attn: Legal Dept (M Harris – D Horton)
1800 Wazee Street, Suite 500
Denver, CO 80202

APN: 007-150-030 and 007-150-040

Space Above This Line for Recorder's Use Only

THE UNDERSIGNED GRANTOR DECLARES DOCUMENTARY TRANSFER TAX is \$0.00. Both the value of the property conveyed herein, and the consideration received by Grantor, is less than \$100.00. (California Revenue and Taxation Code § 11911.)

STORM DRAINAGE EASEMENT AGREEMENT

This Storm Drainage Easement Agreement is intended to evidence the agreement between **M&L Associates**, a New Jersey general partnership ("Grantor") and the **City of Brisbane**, a municipal corporation ("Grantee") with respect to that certain Storm Drainage Easement (as hereinafter defined), which Storm Drainage Easement is referenced on (1) that certain unrecorded Southern Pacific Company Railroad Right of Way Map dated June 28, 1977, and (2) that certain unrecorded Southern Pacific Company Railroad Right of Way Map dated January 21, 1981. This Storm Drainage Easement Agreement shall, and hereby does, supersede any and all prior agreements between Grantor and Grantee with respect to the Storm Drainage Easement.

For value received, Grantor hereby grants, bargains, sells and conveys to Grantee a non-exclusive easement and right to construct, repair, replace, operate, inspect and maintain storm drainage pipelines and all related facilities (the "Storm Drainage Easement") through, under and along the following described property in the City of Brisbane, County of San Mateo, State of California:

The Grantor's property is more particularly described in **Exhibit "A" – Property Legal Description**.

The Storm Drainage Easement is more particularly described as a strip of land described and depicted in **Exhibit "B" – Easement Legal Description** and **Exhibit "C" – Map of Easement**, both attached hereto and by this reference made a part hereof (collectively, the "Easement Area").

Grantee shall give reasonable notice to Grantor before accessing the Easement Area and commencing activities permitted hereunder in the Easement Area.

Grantor further grants to Grantee rights to vehicular and pedestrian ingress and egress over and across drive aisles on Grantor's property reasonably adjacent to the Easement Area for the sole purpose of Grantee exercising its rights hereunder, provided, however, in no event shall Grantee block or prohibit Grantor's or its tenants' or invitees' access to and from the Grantor's property or

unreasonably restrict parking on Grantor's property.

The true and actual consideration for this conveyance is other good and valuable consideration.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Storm Drainage Easement Agreement as of this 31 day of August, 2023.

M & L ASSOCIATES,
a New Jersey general partnership

By: Prologis OP M&L Holdings LLC,
a Delaware limited liability company,
a Partner

By: Prologis, L.P.,
a Delaware limited partnership,
its sole member

By: Prologis, Inc.,
a Maryland corporation,
its general partner

By: Genevieve A. Cadwalader
Name: Genevieve A. Cadwalader
Title: Vice President

By: Prologis M&L Holdco LLC,
a Delaware limited liability company,
a Partner

By: PAC Operating Limited Partnership,
a Delaware limited partnership,
its sole member

By: Palmtree Acquisition Corporation,
a Delaware corporation,
its general partner

By: Genevieve A. Cadwalader
Name: Genevieve A. Cadwalader
Title: Vice President

City of Brisbane,
a Municipal corporation

see attached certificate of acceptance

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

STATE OF CALIFORNIA)

County of San Francisco) §

On August 31st, 2023, before me, Leslie Fay Mills
 a Notary Public, personally appeared Genevieve A. Cadwalader
 who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~
 subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same
 in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the
 person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Leslie Fay Mills
 Signature of Notary

(Affix seal here)



NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

STATE OF CALIFORNIA)

County of San Francisco) §

On August 31st, 2023, before me, Leslie Fay Mills
a Notary Public, personally appeared Genevieve A. Cadwalader

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Leslie Fay Mills
Signature of Notary

(Affix seal here)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California San Mateo
County of _____)

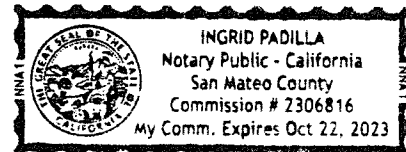
On September 5, 2023 before me, Ingrid Padilla, Notary Public
(insert name and title of the officer)

personally appeared Randy Breaux,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

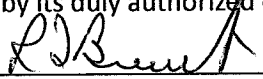
Signature Ingrid Padilla (Seal)



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant from M&L Associates to the City of Brisbane is hereby accepted by the undersigned officer on behalf of the City Council pursuant to authority conferred by resolution of the City Council adopted on June 27, 1977, and the grantee consents to recordation thereof by its duly authorized officer.

DATED: September 1, 2023



DIRECTOR OF PUBLIC WORKS
R.L. Breault

RESOLUTION NO. 77-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
 AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ACCEPT
AND CONSENT TO DEEDS OR GRANTS OF REAL ESTATE

WHEREAS, Section 27281 of the Government Code provides that a political corporation or governmental agency for public purposes may not have deeds or grants conveying an interest in or easement upon real estate to it accepted for recordation without its consent evidenced by its certificate or resolution of acceptance; and

WHEREAS, the City Council may, by general resolution, authorize an officer or agent to accept and consent to a deed or grant conveying an interest in or easement upon real estate to the City and it is in the interest of convenience and efficiency to designate the Director of Public Works as the officer authorized to accept deeds and grants.

THE CITY COUNCIL OF THE CITY OF BRISBANE RESOLVES as follows:

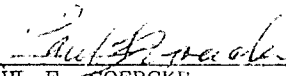
1. The Director of Public Works is authorized to accept and consent to all deeds and grants conveying an interest in or easement upon real estate to the City of Brisbane for public purposes.

2. Whenever a grantor conveys an interest in or easement upon real estate to the City of Brisbane by deed or grant for a public purpose, the Director of Public Works is authorized to accept and consent to the deed or grant and to execute a Certificate of Acceptance and consent in substantially the following form:

This is to certify that the interest in real property conveyed by the deed or grant from _____ to the City of Brisbane is hereby accepted by the undersigned officer on behalf of the City Council pursuant to authority conferred by resolution of the City Council adopted on _____, 1977, and the grantee consents to recordation thereof by its duly authorized officer.

DATED: _____ DIRECTOR OF PUBLIC WORKS

3. Prior to the Director of Public Works accepting and consenting to any deed or grant, he shall notify the City Council, in writing, the name of grantor and purpose of deed or grant for which he intends to accept and consent.


PAUL F. GOERCKE
Mayor

I, the undersigned, hereby certify that the foregoing Resolution No. 77-56, was duly and regularly passed and adopted by the Brisbane City Council at a regular meeting held thereof, on June 27, 1977, by the following vote:

Ayes: GOERCKE, HODGE, MILLER, THOMPSON, BRADSHAW

Noes: NONE

Absent: NONE

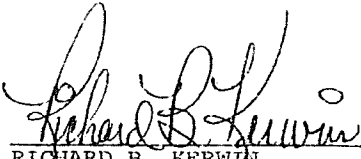

RICHARD B. KERWIN
City Clerk

EXHIBIT "A"

Property Legal Description

Real property in the City of Brisbane, County of San Mateo, State of California, described as follows:

BEING ALL OF PARCELS A AND B, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED FOR RECORD ON JANUARY 18, 1980, IN BOOK 48 OF PARCEL MAPS, AT PAGE 98, OFFICIAL RECORDS SAN MATEO COUNTY, AND ALL OF THE PROPERTY DESCRIBED IN THAT CERTAIN GRANT DEED, RECORDED ON APRIL 04, 2016, AS INSTRUMENT NO. 2016-029728, OFFICIAL RECORDS SAN MATEO COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID PARCEL A OF SAID MAP (48 PM 98), THENCE ALONG THE GENERAL EASTERLY BOUNDARY OF SAID PARCELS A & B, THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 33° 43' 15" EAST, 1519.55 FEET,
- 2) SOUTH 33° 17' 04" EAST, 235.94 FEET,
- 3) SOUTH 30° 39' 02" EAST, 229.71 FEET, AND
- 4) ALONG THE ARC OF A NON-TANGENT 2511.60 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 61° 31' 00" WEST, THROUGH A CENTRAL ANGLE OF 11° 57' 54", AN ARC DISTANCE OF 524.49 FEET, TO THE SOUTHEASTERLY CORNER OF SAID PARCEL B, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF THE PROPERTY DESCRIBED IN SAID GRANT DEED (2016- 029728 OR).

THENCE ALONG THE GENERAL EASTERLY BOUNDARY OF SAID PARCEL (2016-029728 OR), THE FOLLOWING FIVE (5) COURSES:

- 1) NORTH 04° 53' 53" EAST, 42.11 FEET,
- 2) ALONG THE ARC OF A NON-TANGENT 2471.51 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 71° 31' 51" WEST, THROUGH A CENTRAL ANGLE OF 01° 49' 18", AN ARC DISTANCE OF 78.58 FEET,
- 3) SOUTH 00° 09' 01" WEST, 96.21 FEET,
- 4) NORTH 85° 39' 01" EAST, 28.77 FEET,
- 5) ALONG THE ARC OF A NON-TANGENT 2576.31 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 76° 38' 29" WEST, THROUGH A CENTRAL ANGLE OF 04° 16' 20", AN ARC DISTANCE OF 192.10 FEET, TO THE SOUTHEASTERLY CORNER OF SAID PARCEL (2016-029728 OR).

THENCE ALONG THE GENERAL SOUTHERLY BOUNDARY OF SAID PARCEL (2016-029728 OR), SOUTH 31° 20' 25" WEST, 254.75 FEET, TO A POINT AT THE SOUTHWESTERLY

CORNER OF SAID PARCEL, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF BAYSHORE BOULEVARD, WHOSE WIDTH VARIES.

THENCE ALONG THE GENERAL WESTERLY BOUNDARY OF SAID PARCEL (2016-029728 OR) AND THE EASTERLY RIGHT OF WAY LINE OF BAYSHORE BOULEVARD, THE FOLLOWING FIVE (5) COURSES:

1) ALONG THE ARC OF A NON-TANGENT 762.50 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 80° 55' 17" WEST, THROUGH A CENTRAL ANGLE OF 28° 35' 17", AN ARC DISTANCE OF 380.45 FEET,

2) NORTH 37° 40' 00" WEST, 22.00 FEET,

3) NORTH 04° 05' 59" WEST, 59.16 FEET,

4) NORTH 60° 20' 30" WEST, 52.08 FEET, AND

5) NORTH 04° 40' 00" WEST, 108.35 FEET, TO THE NORTHWESTERLY CORNER OF SAID PARCEL (2016- 029728 OR), SAID POINT ALSO BEING THE SOUTH WESTERLY CORNER OF SAID PARCEL B (48 PM98).

THENCE ALONG THE GENERAL WESTERLY BOUNDARY OF SAID PARCELS A & B (48 PM 98), THE FOLLOWING FIVE (5) COURSES:

1) NORTH 38° 20' 35" WEST, 314.27 FEET,

2) NORTH 41° 47' 00" WEST, 362.37 FEET,

3) ALONG THE ARC OF A 1430.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28° 13' 58", AN ARC DISTANCE OF 704.64 FEET,

4) NORTH 13° 33' 02" WEST, 688.98 FEET,

5) ALONG THE ARC OF NON-TANGENT 1500.00 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 77° 25' 32" WEST, THROUGH A CENTRAL ANGLE OF 12° 45' 37", AN ARC DISTANCE OF 334.06 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL IS DESCRIBED IN THAT CERTAIN DECLARATION OF MERGER, RECORDED OCTOBER 27, 2022 AS INSTRUMENT NO. 2022-075904, SAN MATEO COUNTY RECORDS.

APN: 007-150-030, 007-150-040 AND 007-150-070

EXHIBIT "B"
LEGAL DESCRIPTION
STORM DRAIN EASEMENT

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF BRISBANE, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PROPERTY AS DESCRIBED IN THE DECLARATION OF MERGER, RECORDED ON OCTOBER 27, 2022 AS INSTRUMENT NUMBER 2022-075904, OFFICIAL RECORDS OF SAN MATEO COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WESTERLY LINE OF SAID MERGED PARCEL (2022-075904 O.R.), AT THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE BEING DESCRIBED AS NORTH 38° 20' 35" WEST, 314.27 FEET IN SAID DECLARATION OF MERGER, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF BAYSHORE BOULEVARD (WIDTH VARIES);

THENCE LEAVING SAID WESTERLY LINE (2022-075904 O.R.) AND SAID EASTERLY RIGHT OF WAY LINE, SOUTH 84° 59' 09" EAST, 35.39 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG LAST SAID LINE, SOUTH 84° 59' 09" EAST, 14.01 FEET;

THENCE LEAVING LAST SAID LINE AND ALONG THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 39° 26' 51" EAST, 36.24 FEET, AND
- 2) SOUTH 62° 50' 27" EAST, 242.01 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL (2022-075904 O.R.), SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF SOUTHERN PACIFIC RAILROAD;

THENCE ALONG SAID EASTERLY LINES OF SAID PARCEL (2022-075904 O.R.) THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 00° 09' 01" WEST, 9.25 FEET, AND
- 2) NORTH 85° 39' 01" EAST, 15.77 FEET;

THENCE LEAVING SAID EASTERLY LINE (2022-075904 O.R.), SOUTH 62° 50' 27" EAST, 16.88 FEET TO THE BEGINNING OF A NON-TANGENT 2576.31 FOOT RADIUS CURVE TO THE RIGHT, SAID POINT BEING ON THE EASTERLY LINE OF SAID PARCEL (2022-075904 O.R.) AND THE WESTERLY RIGHT OF WAY LINE OF LANDS OF SOUTHERN PACIFIC RAILROAD;

THENCE ALONG SAID CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 76° 50' 24" WEST, THROUGH A CENTRAL ANGLE OF 00° 17' 28", FOR AN ARC DISTANCE OF 13.09 FEET;

THENCE LEAVING SAID EASTERLY LINE (2022-075904 O.R.) AND WESTERLY RIGHT OF WAY LINE
ALONG THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 62° 50' 27" WEST, 287.04 FEET, AND
- 2) NORTH 39° 26' 51" WEST, 48.13 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 3,167 SQUARE FEET OF LAND, MORE OR LESS.

AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND MADE A PART HEREOF.

KIER & W CIVIL ENGINEERS & SURVEYORS, INC.


KC J. KELLER, P.L.S. 9731

4/26/23
DATE



LEGEND

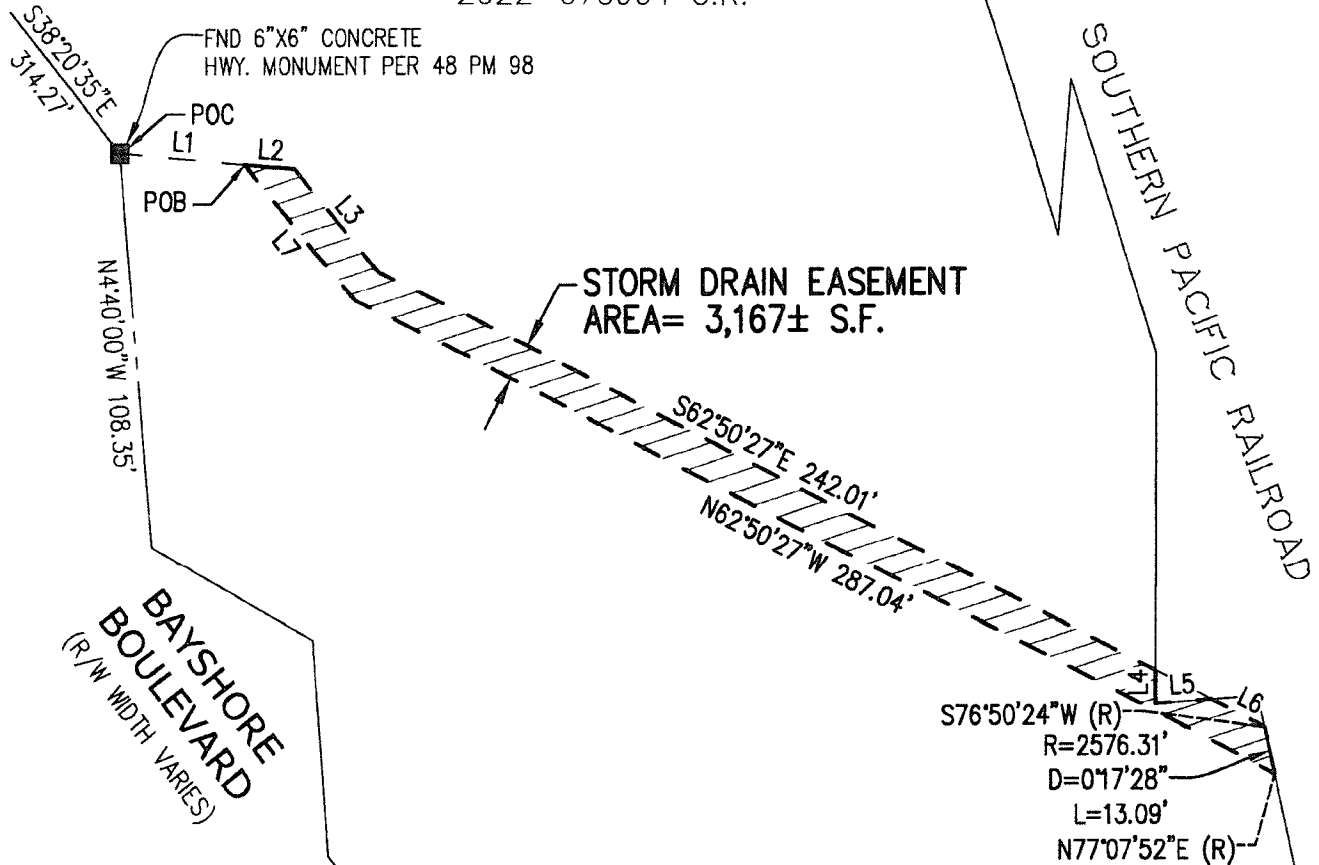
O.R. OFFICIAL RECORDS
 PM PARCEL MAP
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 (R) RADIAL BEARING
 R/W RIGHT OF WAY
 S.F. SQUARE FEET



0 25' 50' 100'

Scale 1" = 50' ft

MERGED PARCEL
 2022-075904 O.R.



LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S84°59'09"E	35.39'
L2	S84°59'09"E	14.01'
L3	S39°26'51"E	36.24'
L4	S0°09'01"W	9.25'

LINE TABLE

LINE #	DIRECTION	LENGTH
L5	N85°39'01"E	15.77'
L6	S62°50'27"E	16.88'
L7	N39°26'51"W	48.13'



2850 Collier Canyon Road
 Livermore, CA 94551

Phone: (925) 245-8788
www.kierwright.com

EXHIBIT "C" STORM DRAIN EASEMENT

BRISBANE,

CALIFORNIA

DATE MARCH, 2023

SCALE 1" = 50'

BY KJK

JOB NO. A13717-14

SHEET 1 OF 1

File Attachments for Item:

L. Approve the Brisbane Dance Workshop's Holiday Arts & Crafts Fair as cosponsored event



CITY COUNCIL AGENDA REPORT

Meeting Date: 10/5/2023

From: Sara Nahass, Recreation Coordinator
Noreen Leek, Parks & Recreation Director

Subject: Application for Event Cosponsorship

Community Goal/Result

Community Building & Fundraising

Purpose

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

Recommendation

Approve the Brisbane Dance Workshop's Holiday Arts & Crafts Fair as cosponsored 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.

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 concessions and a 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.

Discussion

Brisbane Dance Workshop will hold their annual Holiday Arts & Crafts Fair on at the Mission Blue Center on Saturday, December 9th from 11am-4pm. Brisbane Dance Workshop meets Group II requirements with the event open to the general public qualifies them for free use of the facility and waives the deposit requirement.

Fiscal Impact

Brisbane Dance Workshop is requesting support from the City as summarized in the table below. They have requested use of the Mission Blue Center for the aforementioned event. Although use of the facility and the deposit are waived as part of their Group II designation, they are also asking the City to waive costs associated event insurance.

FINANCIAL IMPACT SUMMARY BASED ON APPLICATION		
Hourly Rental of Mission Blue Center	Approximately 14 hours @ \$350/hour = \$4,900 <i>(including set up/clean up)</i>	Waived per City policy for Non-profit use
Mission Blue Rental Deposit	\$500 <i>(Typically refundable absent damages)</i>	Waived per City policy for Non-profit use
Indoor Event Insurance	Approximately \$100-\$250/event. <i>(Renters are typically required to procure insurance on their own and provide a copy to the city.)</i>	Requesting requirement to be waived and the City to absorb liability as done in the past.
Promotional and Marketing Support	Waived	

Attachments

1. Cosponsorship application

Sara Nahass

Sara Nahass, Recreation Coordinator

Noreen Leek

Noreen Leek, Parks & Recreation Director

Clay L. Holstine

Clay Holstine, City Manager



CITY OF BRISBANE COSPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

Phone: (415) 508-2140 | Email: brisbanerec@brisbaneca.org | Office: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: Theresa Jimenez Phone: 415-350-6132
Email: theresa_jimenez@sbcglobal.net
Name of Organization: Brisbane Dance Workshop Organization Website: brisbanedanceworkshop.org
Organization Address or P.O. Box: P.O. Box 844 Brisbane, CA 94005

Circle **ONE** of the following descriptions below that best describes your organization:

- ☒ a. Brisbane Non-Profit Organization
b. Non-resident, Non-Profit Organization (Outside of Brisbane)
c. School District, School, or School Affiliated Group (ex. PTO)
d. Private Group, Club, or Organization

What year did your organization begin serving the Brisbane community? 1982

How has your organization added value to the Brisbane community in the past?

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 offers a wide range of classes such
as: Ballet, Modern , Hip Hop, Composition, Creative Movement, Irish, Acting, Voice, and Improvisation.

What is your organization's mission and/or purpose?

Now in our 4th decade, Brisbane Dance Workshop helps facilitate class offerings in theater, dance, and voice lessons for kids
and adults. We nurture the creative and magical spirit of each student, culminating in a full-length performance each May.
Class are for anyone from age 3 through adult.

EVENT DETAILS

(If you are requesting multiple days & times, please attach those details on a separate sheet of paper.)

Name of Event: BDW Holiday Craft Fair Event Set-up Start Time: 7am
Event Date (mm/dd/yy): 12/09/23 Event Start Time: 11am
Event Day of Week: Saturday Event End Time: 4pm
Event Location: Mission Blue Center

Describe what can be expected at this event? (ex. Performance, Dinner, Activities, etc.)

Slae of arts & crafts from local creators.

Will there be any fundraising at this event? Yes If yes, what will the funds raised be used for? _____

Are there any admission fees for this event? No If yes, please list them here: _____

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. age, membership, residency, etc.)

INDOOR FACILITY ACCESS REQUEST

L. Staff must be present to accommodate the use of any indoor facilities. The below requested times will be used to ensure staff will be available when you need to access the facility. (If you are not requesting indoor facility use, you may skip to the next section.)

Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

EQUIPMENT USE REQUEST

If you would like to request any equipment for an **outdoor event**, please include those details below. (If your event is at one of our indoor facilities, you may indicate your equipment needs on the rental layout.)

Quantity:

Item:

6ft Long Rectangle Tables
Chairs
10ft x 10ft Canopy/Pop-up Tent
Weighted Sandbags

Mission Blue Center ONLY

If your event will be at the Mission Blue Center, please indicate if you wish to request any of the equipment listed below.

Bluetooth Speaker? _____ with Microphone? _____

Projector & Screen? _____

*Theatrical Lighting? _____ with Lighting Technician? _____

*Theater Risers? _____

*Any additional fees associated with reservation of special equipment will be the responsibility of the applicant, and may require additional planning time.

PERMITS

Alcoholic Beverage Permit

Will alcoholic beverages be served or sold at your event? _____ If yes, you must attach a copy of an [Alcoholic Beverage Permit](#)

***Full Liquor Liability:** If 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.

Food & Beverage Permits - Outdoor Events Only

Will any food or non-alcoholic beverages be sold at your event? _____ If yes, this permit is required smchealth.org/food-program

Traffic Permits

Will this event require any street or parking closures? _____ If yes, you must obtain a [Brisbane Encroachment Permit](#)

Amplified Sound Permits - Outdoor Events Only

Do you wish to use amplified sound at this event? _____ If yes, you must submit an [Brisbane Amplified Sound Permit Application](#)

ADDITIONAL SUPPORT

To request promotional support, please circle the specific areas you would like support with. (Please note, promotional support is not guaranteed. Any graphics or content will need to be provided by the applicant.)

- a. Brisbane Signboards
- b. Social Media
- c. City Website
- d. City Publications

Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature Theresa Jimenez Date 09/20/23

ADMINISTRATIVE SECTION

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Facility Application? _____ Permit # _____ CC Report Due _____ CC Meeting Date: _____

File Attachments for Item:

M. Approve the Brisbane Lions Club's Flu-Shots, Fun Run, Pumpkin Patch, Worldwide Candle Lighting, Annual Senior Luncheon, and Annual Crab Dinner Dance as cosponsored events



CITY COUNCIL AGENDA REPORT

Meeting Date: 10/5/2023

From: Sara Nahass, Recreation Coordinator
Noreen Leek, Parks & Recreation Director

Subject: Application for Event Cosponsorships

Community Goal/Result

Community Building & Fundraising

Purpose

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

Recommendation

Approve the Brisbane Lions Club's Flu-Shots, Fun Run, Pumpkin Patch, Worldwide Candle Lighting, Annual Senior Luncheon, and Annual Crab Dinner Dance as cosponsored events.

Background

The Brisbane Lions Club is Non-profit 501(c)(3) organization founded in 1947. Their mission is to serve the Brisbane Community. They have helped community members receive vision and healthcare equipment. In 2022, their college scholarship program granted approximately \$70K to 34 Brisbane students. The Lions Clubs are places where individuals join to give their valuable time and effort to improving their communities, and the world. Over the last 100 years, the kindness of Lions and Leos has multiplied across borders, oceans, and continents.

Discussion

The Lion's annual Flu Shots, Fun Run, and Pumpkin Patch will be held in Brisbane's Community Park on Saturday, October 21st, 2023. Any funds raised at the events on October 21st will go towards their scholarship program. The Worldwide Candle Lighting event will take place at the Mission Blue Center on Sunday, December 10th, 2023, from 6-8pm. The Annual Senior Luncheon will be at the Mission Blue Center on Sunday, December 17th, 2023, from 11am-3pm. The Senior Luncheon will be open to any Brisbane seniors who RSVP. The Annual Crab Dinner Dance will be at the Mission Blue Center on Saturday, February 24th, 2023, from 5-10pm. Anyone 21 and over must purchase a ticket to attend. Meeting the Group II requirements with the events open to the general public qualifies them for free use of the facility and waives the deposit requirement.

Fiscal Impact

The Brisbane Chamber of Commerce is requesting support from the City as summarized in the table below. They have requested use of the Community Park Gazebo and Mission Blue Center for the aforementioned events. Although use of the facility and the deposit are waived as part of their Group II designation, they are also asking the City to waive costs associated event insurance.

FINANCIAL IMPACT SUMMARY BASED ON APPLICATION

Hourly Rental of Mission Blue Center	Approximately 27 hours @ \$350/hour = \$9,450 (including set up/clean up)	Waived per City policy for Non-profit use
Mission Blue Rental Deposit	\$500 (Typically refundable absent damages)	Waived per City policy for Non-profit use
Hourly Rental of Park Gazebo	Approximately 7 hours @ \$94/hour = \$658 (including rehearsal/set up)	Waived per City policy for Non-profit use
Park Gazebo Rental Deposit	\$200 (Typically, refundable absent damages)	Waived per City policy for Non-profit use
Borrowing City Equipment (8 tables, 10 chairs)	Requesting to be waived	
Indoor Event Insurance	Approximately \$100-\$250/event. (Renters are typically required to procure insurance on their own and provide a copy to the city.)	Requesting requirement to be waived and the City to absorb liability as done in the past.
Promotional and Marketing Support	Waived	
ABC License for alcoholic beverage sales	The City does not traditionally cover this cost and therefore it is the responsibility of the Non-profit organization to pay associated fees.	

Attachments

1. 10/21/2023 Event Cosponsorship application
2. 12/10/2023 Event Cosponsorship application
3. 12/17/2023 Event Cosponsorship application
4. 2/24/2024 Event Cosponsorship application

Sara Nahass

Sara Nahass, Recreation Coordinator


Noreen Leek, Parks & Recreation Director


Clay Holstine, City Manager



CITY OF BRISBANE COSPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

Phone: (415) 508-2140 | Email: brisbanerec@brisbaneca.org | Office: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: Lion Jasama Patel - President Phone: (415) 723-0847

Email: BrisbaneLionsClub@gmail.com

Name of Organization: Brisbane Lions Club Organization Website: BrisbaneLions.org

Organization Address or P.O. Box: P.O. Box 317, Brisbane, CA, United States, California

Circle **ONE** of the following descriptions below that best describes your organization:

- a. Brisbane Non-Profit Organization
- b. Non-resident, Non-Profit Organization (Outside of Brisbane)
- c. School District, School, or School Affiliated Group (ex. PTO)
- d. Private Group, Club, or Organization

What year did your organization begin serving the Brisbane community? 1947

How has your organization added value to the Brisbane community in the past?

We serve the Brisbane Community. We help the community get vision and hearing care and equipment.

We support the students in our community through the scholarship program. We provide scholarships to any college enrolled student who lives in Brisbane. Last year we gave approximately \$70,000 to 34 students.

What is your organization's mission and/or purpose?

The Lions Club International Theme is "We Serve". That is our purpose. We are the largest volunteer organization in the world!

EVENT DETAILS

(If you are requesting multiple days & times, please attach those details on a separate sheet of paper.)

Name of Event: Brisbane Lions Flu-Shots, Fun Run & Pumpkin Patch

Event Set-up Start Time: _____

Event Date (mm/dd/yy): 10/21/23

Event Start Time: _____

Event Day of Week: Saturday

Event End Time: _____

Event Location: Community Park Gazebo and All Park Area

Describe what can be expected at this event? (ex. Performance, Dinner, Activities, etc.)

Flu-Shots (San Mateo County Flu Crew) Under the gazebo, Pumpkin Patch under a tent in the grass area, Fun Run BBQ and Registration under the tent by picnic area 1 and 2.

Will there be any fundraising at this event? yes If yes, what will the funds raised be used for? Scholarships

Are there any admission fees for this event? yes If yes, please list them here: the fun run has a registration fee, which is a donation.

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. age, membership, residency, etc.)

INDOOR FACILITY ACCESS REQUEST

M. Staff must be present to accommodate the use of any indoor facilities. The below requested times will be used to ensure staff will be available when you need to access the facility. (If you are not requesting indoor facility use, you may skip to the next section.)

Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

EQUIPMENT USE REQUEST

If you would like to request any equipment for an **outdoor event**, please include those details below. (If your event is at one of our indoor facilities, you may indicate your equipment needs on the rental layout.)

Quantity:

Item:

8 _____

6ft Long Rectangle Tables

10 _____

Chairs

10ft x 10ft Canopy/Pop-up Tent

Weighted Sandbags

Mission Blue Center ONLY

If your event will be at the Mission Blue Center, please indicate if you wish to request any of the equipment listed below.

Bluetooth Speaker? _____ with Microphone? _____

Projector & Screen? _____

*Theatrical Lighting? _____ with Lighting Technician? _____

*Theater Risers? _____

*Any additional fees associated with reservation of special equipment will be the responsibility of the applicant, and may require additional planning time.

PERMITS

Alcoholic Beverage Permit

Will alcoholic beverages be served or sold at your event? no If yes, you must attach a copy of an [Alcoholic Beverage Permit](#)

*Full Liquor Liability: If 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.

Food & Beverage Permits - Outdoor Events Only

Will any food or non-alcoholic beverages be sold at your event? No If yes, this permit is required smchealth.org/food-program

Traffic Permits

Will this event require any street or parking closures? no If yes, you must obtain a [Brisbane Encroachment Permit](#)

Amplified Sound Permits - Outdoor Events Only

Do you wish to use amplified sound at this event? yes If yes, you must submit an [Brisbane Amplified Sound Permit Application](#)
a microphone to let people know where each area is and what they can expect!

ADDITIONAL SUPPORT

To request promotional support, please circle the specific areas you would like support with. (Please note, promotional support is not guaranteed. Any graphics or content will need to be provided by the applicant.)

a. Brisbane Signboards

b. Social Media

c. City Website

d. City Publications

Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature Sharon Boggs Date 8/25/23

ADMINISTRATIVE SECTION

Facility Application? _____ Permit # _____ CC Report Due _____ CC Meeting Date: _____



CITY OF BRISBANE COSPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

Phone: (415) 508-2140 | Email: brisbanerec@brisbaneca.org | Office: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: _____ Phone: _____

Email: _____

Name of Organization: _____ Organization Website: _____

Organization Address or P.O. Box: _____

Circle ONE of the following descriptions below that best describes your organization:

- a. Brisbane Non-Profit Organization
- b. Non-resident, Non-Profit Organization (Outside of Brisbane)
- c. School District, School, or School Affiliated Group (ex. PTO)
- d. Private Group, Club, or Organization

What year did your organization begin serving the Brisbane community? _____

How has your organization added value to the Brisbane community in the past?

What is your organization's mission and/or purpose?

EVENT DETAILS

(If you are requesting multiple days & times, please attach those details on a separate sheet of paper.)

Name of Event: worldwide Candle Lighting:

Event Set-up Start Time: 3:00

Event Date (mm/dd/yy): December 10, 2023

Event Start Time: 6:00

Event Day of Week: Sunday

Event End Time: 8:00

Event Location: Mission Blue

Describe what can be expected at this event? (ex. Performance, Dinner, Activities, etc.)

Lions in Collaboration with Compassionate Friends will be hosting the worldwide Candle Lighting.
Family and friends will gather to remember lost ones loved, lighting a candle together at the designated time.

Will there be any fundraising at this event? no If yes, what will the funds raised be used for? _____

Are there any admission fees for this event? no If yes, please list them here: _____

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. age, membership, residency, etc.)

INDOOR FACILITY ACCESS REQUEST

M. Staff must be present to accommodate the use of any indoor facilities. The below requested times will be used to ensure staff will be available when you need to access the facility. (If you are not requesting indoor facility use, you may skip to the next section.)

Date of Facility Access (mm/dd/yy): 12/10/23 Opening Time: 3:00pm Closing Time: 8:30pm
Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____
Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

EQUIPMENT USE REQUEST

If you would like to request any equipment for an **outdoor event**, please include those details below. (If your event is at one of our indoor facilities, you may indicate your equipment needs on the rental layout.)

Quantity:	Item:
_____	6ft Long Rectangle Tables
_____	Chairs
_____	10ft x 10ft Canopy/Pop-up Tent
_____	Weighted Sandbags

Mission Blue Center ONLY

If your event will be at the Mission Blue Center, please indicate if you wish to request any of the equipment listed below.

Bluetooth Speaker? _____ with Microphone? _____
Projector & Screen? _____
*Theatrical Lighting? _____ with Lighting Technician? _____
*Theater Risers? _____

*Any additional fees associated with reservation of special equipment will be the responsibility of the applicant, and may require additional planning time.

PERMITS

Alcoholic Beverage Permit

Will alcoholic beverages be served or sold at your event? no If yes, you must attach a copy of an [Alcoholic Beverage Permit](#)

*Full Liquor Liability: If 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.

Food & Beverage Permits - Outdoor Events Only

Will any food or non-alcoholic beverages be sold at your event? no If yes, this permit is required smchealth.org/food-program

Traffic Permits

Will this event require any street or parking closures? no If yes, you must obtain a [Brisbane Encroachment Permit](#)

Amplified Sound Permits - Outdoor Events Only

Do you wish to use amplified sound at this event? no If yes, you must submit an [Brisbane Amplified Sound Permit Application](#)

ADDITIONAL SUPPORT

To request promotional support, please circle the specific areas you would like support with. (Please note, promotional support is not guaranteed. Any graphics or content will need to be provided by the applicant.)

- a. Brisbane Signboards
- b. Social Media
- c. City Website
- d. City Publications

Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature Sharon Boggs Date 8/25/23

ADMINISTRATIVE SECTION

Facility Application? _____ Permit # _____ CC Report Due _____ CC Meeting Date: _____



CITY OF BRISBANE COSPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

Phone: (415) 508-2140 | Email: brisbanerec@brisbaneca.org | Office: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: _____ Phone: _____

Email: _____

Name of Organization: _____ Organization Website: _____

Organization Address or P.O. Box: _____

Circle ONE of the following descriptions below that best describes your organization:

- a. Brisbane Non-Profit Organization
- b. Non-resident, Non-Profit Organization (Outside of Brisbane)
- c. School District, School, or School Affiliated Group (ex. PTO)
- d. Private Group, Club, or Organization

What year did your organization begin serving the Brisbane community? _____

How has your organization added value to the Brisbane community in the past?

What is your organization's mission and/or purpose?

EVENT DETAILS

(If you are requesting multiple days & times, please attach those details on a separate sheet of paper.)

Name of Event: Brisbane Lions Annual Senior Luncheon

Event Set-up Start Time: 9:00am

Event Date (mm/dd/yy): December 17, 2023

Event Start Time: 11:00

Event Day of Week: Sunday

Event End Time: 3:00

Event Location: Mission Blue Center

Describe what can be expected at this event? (ex. Performance, Dinner, Activities, etc.)

Luncheon for Seniors, Approximately 150 attendees

Will there be any fundraising at this event? No If yes, what will the funds raised be used for? _____

Are there any admission fees for this event? No If yes, please list them here: _____

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. age, membership, residency, etc.)

Any Brisbane Senior is welcome to attend. RSVP requested.

INDOOR FACILITY ACCESS REQUEST

M. Staff must be present to accommodate the use of any indoor facilities. The below requested times will be used to ensure staff will be available when you need to access the facility. (If you are not requesting indoor facility use, you may skip to the next section.)

Date of Facility Access (mm/dd/yy): 12/17/23 Opening Time: 9:00am Closing Time: 3:00pm
Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____
Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

EQUIPMENT USE REQUEST

If you would like to request any equipment for an **outdoor event**, please include those details below. (If your event is at one of our indoor facilities, you may indicate your equipment needs on the rental layout.)

Quantity:

Item:

6ft Long Rectangle Tables

Chairs

10ft x 10ft Canopy/Pop-up Tent

Weighted Sandbags

Mission Blue Center ONLY

If your event will be at the Mission Blue Center, please indicate if you wish to request any of the equipment listed below.

Bluetooth Speaker? _____ with Microphone? _____
Projector & Screen? _____
*Theatrical Lighting? _____ with Lighting Technician? _____
*Theater Risers? _____

*Any additional fees associated with reservation of special equipment will be the responsibility of the applicant, and may require additional planning time.

PERMITS

Alcoholic Beverage Permit

Will alcoholic beverages be served or sold at your event? yes If yes, you must attach a copy of an [Alcoholic Beverage Permit](#)

*Full Liquor Liability: If 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.

No Money is transacted at any time for this event

Food & Beverage Permits - Outdoor Events Only

Will any food or non-alcoholic beverages be sold at your event? _____ If yes, this permit is required smchealth.org/food-program

Traffic Permits

Will this event require any street or parking closures? _____ If yes, you must obtain a [Brisbane Encroachment Permit](#)

Amplified Sound Permits - Outdoor Events Only

Do you wish to use amplified sound at this event? _____ If yes, you must submit an [Brisbane Amplified Sound Permit Application](#)

ADDITIONAL SUPPORT

To request promotional support, please circle the specific areas you would like support with. (Please note, promotional support is not guaranteed. Any graphics or content will need to be provided by the applicant.)

- a. Brisbane Signboards
- b. Social Media
- c. City Website
- d. City Publications

Other: _____

USE AGREEMENT & LIABILITY RELEASE

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Applicant Signature Sharon Boggs Date 8/25/23

ADMINISTRATIVE SECTION

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Facility Application? _____ Permit # _____ CC Report Due _____ CC Meeting Date: _____



CITY OF BRISBANE COSPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

Phone: (415) 508-2140 | Email: brisbanerec@brisbaneca.org | Office: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: _____ Phone: _____

Email: _____

Name of Organization: _____ Organization Website: _____

Organization Address or P.O. Box: _____

Circle **ONE** of the following descriptions below that best describes your organization:

- a. Brisbane Non-Profit Organization
- b. Non-resident, Non-Profit Organization (Outside of Brisbane)
- c. School District, School, or School Affiliated Group (ex. PTO)
- d. Private Group, Club, or Organization

What year did your organization begin serving the Brisbane community? _____

How has your organization added value to the Brisbane community in the past?

What is your organization's mission and/or purpose?

EVENT DETAILS

(If you are requesting multiple days & times, please attach those details on a separate sheet of paper.)

Name of Event: Brisbane Lions Annual Crab Dinner Dance

Event Set-up Start Time: 9:00am

Event Date (mm/dd/yy): 02/24/24

Event Start Time: 5:00pm

Event Day of Week: Saturday

Event End Time: 10:00pm

Event Location: Mission Blue

Describe what can be expected at this event? (ex. Performance, Dinner, Activities, etc.)

Fundraiser Crab Dinner with Salad Bar and Dancing to follow

Will there be any fundraising at this event? yes If yes, what will the funds raised be used for? Community Service & Scholarships

Are there any admission fees for this event? yes If yes, please list them here: Ticket price for dinner and dancing

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. age, membership, residency, etc.)

21 and over ticket needed to attend, walk ins welcome if the event is not sold out.

INDOOR FACILITY ACCESS REQUEST

M. Staff must be present to accommodate the use of any indoor facilities. The below requested times will be used to ensure staff will be available when you need to access the facility. (If you are not requesting indoor facility use, you may skip to the next section.)

Date of Facility Access (mm/dd/yy): 02/24/24 Opening Time: 9:00am Closing Time: 10:00pm
Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____
Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

EQUIPMENT USE REQUEST

If you would like to request any equipment for an **outdoor event**, please include those details below. (If your event is at one of our indoor facilities, you may indicate your equipment needs on the rental layout.)

Quantity:

Item:

6ft Long Rectangle Tables

Chairs

10ft x 10ft Canopy/Pop-up Tent

Weighted Sandbags

Mission Blue Center ONLY

If your event will be at the Mission Blue Center, please indicate if you wish to request any of the equipment listed below.

Bluetooth Speaker? _____ with Microphone? _____
Projector & Screen? _____
*Theatrical Lighting? _____ with Lighting Technician? _____
*Theater Risers? _____

*Any additional fees associated with reservation of special equipment will be the responsibility of the applicant, and may require additional planning time.

PERMITS

Alcoholic Beverage Permit

Will alcoholic beverages be served or sold at your event? yes If yes, you must attach a copy of an [Alcoholic Beverage Permit](#)
*Full Liquor Liability: If 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.

Food & Beverage Permits - Outdoor Events Only

Will any food or non-alcoholic beverages be sold at your event? No If yes, this permit is required smchealth.org/food-program

Traffic Permits

Will this event require any street or parking closures? no If yes, you must obtain a [Brisbane Encroachment Permit](#)

Amplified Sound Permits - Outdoor Events Only

Do you wish to use amplified sound at this event? no If yes, you must submit an [Brisbane Amplified Sound Permit Application](#)

ADDITIONAL SUPPORT

To request promotional support, please circle the specific areas you would like support with. (Please note, promotional support is not guaranteed. Any graphics or content will need to be provided by the applicant.)

- a. Brisbane Signboards
- b. Social Media
- c. City Website
- d. City Publications

Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature Sharon Boggs Date 8/25/23

ADMINISTRATIVE SECTION

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Facility Application? _____ Permit # _____ CC Report Due _____ CC Meeting Date: _____

File Attachments for Item:

N. Approve the Mothers of Brisbane's MOB Shop as cosponsored event



CITY COUNCIL AGENDA REPORT

Meeting Date: 10/5/2023

From: Sara Nahass, Recreation Coordinator
Noreen Leek, Parks & Recreation Director

Subject: Application for Event Cosponsorship

Community Goal/Result

Community Building & Fundraising

Purpose

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

Recommendation

Approve the Mothers of Brisbane's MOB Shop as cosponsored event.

Background

The Mothers of Brisbane is a, 501 (c)(3), non-profit parents' club and welcoming community of support for parents of young children in Brisbane, and surrounding communities. Established in the summer of 2005, the MOB is a place where families come together to make friends, learn about community resources, hold family events, arrange playgroups and childcare, share information, and support, and generally have a good time together. The MOB currently consists of single, partnered, married, gay, straight, working, stay-at-home, and self-employed parents. They come from different backgrounds, cultures, and experiences, but through it all, they are families.

This event began in 2000 as a clothing "swap" at the Community Park Gazebo, providing families with an opportunity to repurpose gently used children's items and clothing to other families in need. Over the years, the MOB Shop serves as both a great fundraiser for the Mothers of Brisbane and a service to the community. Offering a tax-deductible way for Brisbane families to donate gently used clothing and baby gear, the event allows other families to purchase those same items for a nominal donation. All leftover items are donated to the San Mateo Shelter Network or similar organizations that serve families in our area.

Discussion

The MOB Shop will take place at the Mission Blue Center on Friday & Saturday, January 26th & 27th, 2023. The Mothers of Brisbane meets Group II requirements with the events open to the general public qualifies them for free use of the facility and waives the deposit requirement.

Fiscal Impact

The Mothers of Brisbane is requesting support from the City as summarized in the table below. They have requested use of the Mission Blue Center for the aforementioned event. Although use of the

facility and the deposit are waived as part of their Group II designation, they are also asking the City to waive costs associated event insurance.

FINANCIAL IMPACT SUMMARY BASED ON APPLICATION		
Hourly Rental of Mission Blue Center	Approximately 17 hours @ \$350/hour = \$5,950 <i>(including set up/clean up)</i>	Waived per City policy for Non-profit use
Mission Blue Rental Deposit	\$500 <i>(Typically refundable absent damages)</i>	Waived per City policy for Non-profit use
Indoor Event Insurance	Approximately \$100-\$250/event. <i>(Renters are typically required to procure insurance on their own and provide a copy to the city.)</i>	Requesting requirement to be waived and the City to absorb liability as done in the past.
Promotional and Marketing Support	Waived	

Attachments

1. Cosponsorship application

Sara Nahass

Sara Nahass, Recreation Coordinator

Noreen Leek

Noreen Leek, Parks & Recreation Director

Clay L. Holstine

Clay Holstine, City Manager



CITY OF BRISBANE COSPONSORSHIP APPLICATION

This application must be submitted to the Parks & Recreation Department at least **(90) working days** prior to the requested event.

Phone: (415) 508-2140 | Email: brisbanerec@brisbaneca.org | Office: 50 Park Place, Brisbane, CA 94005

APPLICANT INFORMATION

Name of Contact Person: Ranjani Gupta and Sarah P Mills **Phone:** Ranjani 832-567-0501, Sarah 774-766-8942
Email: ranjani.akula@gmail.com, sarah.p.mills@gmail.com
Name of Organization: Mothers of Brisbane **Organization Website:** www.mothersofbristbane.com
Organization Address or P.O. Box: 1117 Humboldt Rd, Brisbane

Circle ONE of the following descriptions below that best describes your organization:

- ☒ a. Brisbane Non-Profit Organization
- ☐ b. Non-resident, Non-Profit Organization (Outside of Brisbane)
- ☐ c. School District, School, or School Affiliated Group (ex. PTO)
- ☐ d. Private Group, Club, or Organization

What year did your organization begin serving the Brisbane community? 2005

How has your organization added value to the Brisbane community in the past?

"The MOB" has hosted numerous community events over the years, often either for free or at a low cost. We have brought together playgroups, hosted Playgym, coordinated new family meal trains, organized the Mob Shop, and several other seasonal events targeted to families in Brisbane and the surrounding area.

What is your organization's mission and/or purpose?

The MOB is a, 501 (c)(3), non-profit parents' club and welcoming community of support for parents of young children in Brisbane, California, and surrounding communities. We are single, partnered, married, gay, straight, working, stay-at-home, and self-employed. We come from different backgrounds, cultures, and experiences – but through it all, we are families.

EVENT DETAILS

(If you are requesting multiple days & times, please attach those details on a separate sheet of paper.)

Name of Event: The Mob Shop **Event Set-up Start Time:** Fri: 8:00a, Sat 10:00a
Event Date (mm/dd/yy): 01/26/24 - 01/27/24 **Event Start Time:** Fri: 12:00p, Sat: 10:00a
Event Day of Week: Friday and Saturday **Event End Time:** Fri: 5:00p, Sat: 5:00p
Event Location: Mission Blue Community Center

Describe what can be expected at this event? (ex. Performance, Dinner, Activities, etc.)

Rummage sale of gently used clothing, kids' toys and baby gear

Will there be any fundraising at this event? no **If yes, what will the funds raised be used for?** _____

Are there any admission fees for this event? no **If yes, please list them here:** _____

If this event is NOT open to the general public, what are the restrictions for who may attend? (ex. age, membership, residency, etc.)

This event will be open to the general public.

N. INDOOR FACILITY ACCESS REQUEST

City Staff must be present to accommodate the use of any indoor facilities. The below requested times will be used to ensure staff will be available when you need to access the facility. (If you are not requesting indoor facility use, you may skip to the next section.)

Date of Facility Access (mm/dd/yy):	Thur, 01/25/24	Opening Time:	6:00p	Closing Time:	8:00p
Date of Facility Access (mm/dd/yy):	Fri, 01/26/24	Opening Time:	8:00a	Closing Time:	5:00p
Date of Facility Access (mm/dd/yy):	Sat, 01/27/24	Opening Time:	10:00a	Closing Time:	5:00p

EQUIPMENT USE REQUEST

If you would like to request any equipment for an **outdoor event**, please include those details below. (If your event is at one of our indoor facilities, you may indicate your equipment needs on the rental layout.)

Quantity:	Item:
_____	6ft Long Rectangle Tables
_____	Chairs
_____	10ft x 10ft Canopy/Pop-up Tent
_____	Weighted Sandbags

Mission Blue Center ONLY

If your event will be at the Mission Blue Center, please indicate if you wish to request any of the equipment listed below.

Bluetooth Speaker? yes with Microphone? _____
Projector & Screen? _____
*Theatrical Lighting? _____ with Lighting Technician? _____
*Theater Risers? _____

*Any additional fees associated with reservation of special equipment will be the responsibility of the applicant, and may require additional planning time.

PERMITS

Alcoholic Beverage Permit

Will alcoholic beverages be served or sold at your event? no If yes, you must attach a copy of an [Alcoholic Beverage Permit](#)

*Full Liquor Liability: If 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.

Food & Beverage Permits - Outdoor Events Only

Will any food or non-alcoholic beverages be sold at your event? n/a If yes, this permit is required smchealth.org/food-program

Traffic Permits

Will this event require any street or parking closures? no If yes, you must obtain a [Brisbane Encroachment Permit](#)

Amplified Sound Permits - Outdoor Events Only

Do you wish to use amplified sound at this event? n/a If yes, you must submit an [Brisbane Amplified Sound Permit Application](#)

ADDITIONAL SUPPORT

To request promotional support, please circle the specific areas you would like support with. (Please note, promotional support is not guaranteed. Any graphics or content will need to be provided by the applicant.)

- a. Brisbane Signboards
- b. Social Media
- c. City Website
- d. City Publications

Other: _____

USE AGREEMENT & LIABILITY RELEASE

To the fullest extent allowed by law, I agree to indemnify and defend the City of Brisbane, its directors, officers, agents, employees and volunteers and hold them harmless from and against any and all loss, liability, expense, claims, costs, suits, and damages, including attorneys' fees, arising out of the use or occupancy described in this application. I agree to waive all rights of subrogation against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from the use or occupancy described in this application.

Applicant Signature  Date 09/01/2023

ADMINISTRATIVE SECTION

81 City Application? _____ Permit # _____ CC Report Due _____ CC Meeting Date: _____

File Attachments for Item:

O. Authorize the City Manager to Execute a One-Year Extension with Granicus to Continue Providing Short Term Rental Monitoring and Permitting Services

(The cost of renewing the service agreement through December 2024 would be \$11,430.37 to retain the current scope of services.)



CITY COUNCIL AGENDA REPORT

Meeting Date: October 5, 2023

From: John Swiecki, Community Development Director

Subject: Contract Renewal with Granicus (Host Compliance) - Short Term Rental Monitoring and Permitting

Community Goal/Result

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

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

Purpose

For the City Council to consider a one-year renewal of the City's current agreement with Granicus (Host Compliance) to provide short term rental (STR) monitoring and permitting services.

Recommendation

That the City Council authorize the City Manager to execute a one-year extension with Granicus to continue providing STR monitoring and permitting services.

Background

The City of Brisbane adopted an ordinance which took effect in summer 2020 permitting STRs subject to a number of operational and performance standards. In early 2021 the City entered into a contract with a vendor (Host Compliance, now Granicus) to automate the STR permit process and monitor STR activity on multiple listing sites, allowing the City to initiate code enforcement as needed and pursue the collection of transient occupancy tax (TOT). Lastly, the City Council passed an ordinance, pursuant to SB 60, to increase the fines for STRs operating in violation of the City's regulations on November 18, 2021.

Discussion

The current agreement with Granicus ends in December 2023 and it is proposed the agreement be extended for an additional 12 months, through December 2024. The system has been in place for two years and staff is generally accepting of its performance, although Granicus' customer service and certain aspects of the system can be challenging. While staff is supportive of extending the agreement an additional year, we will be exploring if the software for the planned electronic permit system upgrade may be able to perform some of the functions currently performed by Granicus, such as permitting and registration. This may have implications on future agreement extensions with Granicus.

Below is a summary of STR activity since the system has been active:

- 12 STRs with active listings were originally identified in June 2021 and the latest data from September 2023 identified four STR units with active listings, the same as reported last year.
- Since October 2021, the City of Brisbane has averaged 4-6 active STR units at any given time. The number varies as new and/or potential units and listings are first identified by Granicus, some of which may be outside city limits or unverified by the system.
- There are no code enforcement cases at the time of the writing of this staff report.
 - A total of four code enforcement complaints have been investigated and resolved in 2023.
 - No STR citations have been issued in 2023.
- The City currently has four active STR permits.
 - Two STR permit applications were approved in 2022, three more in 2023, and renewed an existing STR operating permit in 2023.

Choosing not to extend the agreement would require the City to either find another vendor or transfer enforcement responsibilities to the City's Code Enforcement Officer. Staff received a solicitation from another private firm that provides STR rental monitoring services and included a cost estimate in the range of \$8,000-\$13,000 annually. Staff sees no benefit in considering a change in vendor at this time.

Fiscal Impact

The cost of renewing the service agreement through December 2024 would be \$11,430.37 to retain the current scope of services. The agreement cost in 2021 was \$11,247.00 and \$10,682.24 in 2022 (the 24/7 Hotline service was removed then). Since June 2021, the City has cumulatively collected approximately \$15,000 in TOT from STRs, with about \$3,700 collected this fiscal year. In each of the previous two fiscal years, the City collected an average of \$5,750 in TOT per year.

Measure of Success

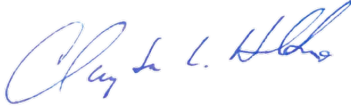
Successful implementation of the City's STR Ordinance by permitting STRs consistent with the City's ordinance, eliminating unpermitted STRs and generating and collecting TOT.

Attachments

Granicus Proposal - STR Rental Permitting and Monitoring



 John Swiecki, Community Development Director



 Clay Holstine, City Manager

Granicus Proposal for Brisbane, CA

ORDER DETAILS

Prepared By: Antonio Magadan
Phone:
Email: antonio.magadan@granicus.com
Order #: Q-299249
Prepared On: 29 Aug 2023
Expires On: 28 Dec 2023

ORDER TERMS

Currency: USD
Payment Terms: Net 30 (Payments for subscriptions are due at the beginning of the period of performance.)
Period of Performance: 12/29/2023 - 12/28/2024

PRICING SUMMARY

The pricing and terms within this Proposal are specific to the products and volumes contained within this Proposal.

Renewing Subscription Fees			
Solution	Billing Frequency	Quantity/Unit	Annual Fee
Address Identification	Annual	62 Rental Listings	\$3,194.24
Mobile Permitting & Registration	Annual	1 Each	\$5,724.50
Compliance Monitoring	Annual	43 Rental Units	\$1,108.11
Rental Activity Monitoring	Annual	43 Rental Units	\$1,403.52
Tax Collection	Annual	1 Each	\$0.00
SUBTOTAL:			\$11,430.37

PRODUCT DESCRIPTIONS

Solution	Description
Address Identification	<p>Ongoing monitoring of 60+ Short Term Rental websites including major platforms Airbnb, VRBO, HomeAway, Booking.com, FlipKey, & Expedia. Our machine learning will deduplicate all known Listings into unique Rental Units, where our identification team will provide owner contact information for further enforcement. This product includes:- Ongoing monitoring of all listings in your jurisdiction</p> <ul style="list-style-type: none"> - Updating listing activity and details every 3-5 days - Screenshot activity of every listing - Deduplication of listings into unique Rental Units - Activity dashboard and map to monitor trends and breakdown of compliance
Mobile Permitting & Registration	<p>Mobile-enabled online forms and back-end systems for streamlining the registration/licensing/permitting of individual short-term rental hosts. These registration forms and workflows include:- Parcel Number lookup and validation</p> <ul style="list-style-type: none"> - E-Signatures - ACH, Debit, and Credit Payments exclusively powered by Stripe.com - Registration Number & Certificate creation - Document Upload - Renewals - Email confirmation - Admin approval & denial
Compliance Monitoring	<p>Compliance monitoring provides up-to-date information for each identified Rental Unit and its compliance status. We configure your compliance definition specific to your jurisdiction rules and ordinances in order to provide up-to-date compliance status of each identified Rental Unit. Additionally, this product will:- Allow your team to send letters to non-compliant properties 24/7</p> <ul style="list-style-type: none"> - Configure letter templates with your branding and letterhead - Add as many letter sequences as you need for escalation - Monitor properties that become compliant after letter enforcement
Rental Activity Monitoring	<p>Ongoing monitoring of Short Term Rental listings for signs of rental activity including historical revenue estimates & occupancy. Coupled with our Tax Collection product, users can also compare historical revenue estimates to actual reported revenue to identify those that may be underreporting and underpaying sales tax (i.e. TOT).</p>

Solution	Description
Tax Collection	<p>Tax Collection can be built as a separate mobile-enabled form or coupled with Mobile Permitting & Registration in one single portal allowing your users to:- Report revenue monthly, quarterly, or annually and pay sales tax due (i.e TOT)</p> <ul style="list-style-type: none"> - Remind users when they are registering for a permit/license to also report any back taxes - Collect ACH, Debit, and Credit Payments exclusively powered by Stripe.com

TERMS & CONDITIONS

- This quote, and all products and services delivered hereunder are governed by the terms located at <https://granicus.com/legal/licensing>, including any product-specific terms included therein (the "License Agreement"). If your organization and Granicus has entered into a separate agreement or is utilizing a contract vehicle for this transaction, the terms of the License Agreement are incorporated into such separate agreement or contract vehicle by reference, with any directly conflicting terms and conditions being resolved in favor of the separate agreement or contract vehicle to the extent applicable.
- If submitting a Purchase Order, please include the following language: The pricing, terms and conditions of quote Q-299249 dated 29 Aug 2023 are incorporated into this Purchase Order by reference and shall take precedence over any terms and conditions included in this Purchase Order.
- This quote is exclusive of applicable state, local, and federal taxes, which, if any, will be included in the invoice. It is the responsibility of Brisbane, CA to provide applicable exemption certificate(s).
- Any lapse in payment may result in suspension of service and will require the payment of a setup fee to reinstate the subscription.
- The terms and conditions set forth in the Agreement effective are incorporated herein by reference.

BILLING INFORMATION

Billing Contact:		Purchase Order Required?	<div>[] - No</div> <div>[] - Yes</div>
Billing Address:		PO Number:	
		<i>If PO required</i>	
Billing Email:		Billing Phone:	

If submitting a Purchase Order, please include the following language:

The pricing, terms, and conditions of quote Q-299249 dated 29 Aug 2023 are incorporated into this Purchase Order by reference and shall take precedence over any terms and conditions included in this Purchase Order.

AGREEMENT AND ACCEPTANCE

By signing this document, the undersigned certifies they have authority to enter the agreement. The undersigned also understands the services and terms.

Brisbane, CA	
Signature:	
Name:	
Title:	
Date:	

File Attachments for Item:

P. Adopt an Ordinance, Waiving Second Reading, Concerning the Timing of the Construction of Off-Site Improvements

(This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because it is not a project. CEQA Guidelines section, 15378 (b)(2).)



CITY COUNCIL AGENDA REPORT

Meeting Date: October 5, 2023
From: Director of Public Works/City Engineer
Subject: Ordinance Concerning the Timing of the Construction of Off Site Improvements

(This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because it is not a project. CEQA Guidelines, Section 15378 (b)(2).

Recommendation

Adopt an Ordinance, waiving second reading, adding Section 15.04.045 to Chapter 15 of the Brisbane Municipal Code, "Concerning the Timing of the Construction of Off Site Improvements."

Background

This ordinance was introduced at the regular City Council meeting held on September 21, 2023, and was enthusiastically passed by unanimous vote with no requested changes.

Environmental Review

Adoption of this ordinance does not need further environmental review under the California Environmental Quality Act (CEQA) as it is general policy and procedure making and not applied to a specific instance and therefore it is not a "project". CEQA Guidelines, Section 15378 (b) (2).

Attachments

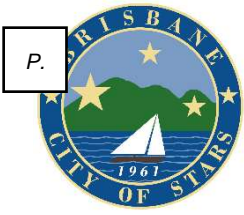
1. September 21, 2023 staff report

R.L. Breault

Randy Breault, Public Works Director

Clay L. Holstine

Clay Holstine, City Manager



CITY COUNCIL AGENDA REPORT

Meeting Date: September 21, 2023
From: Director of Public Works/City Engineer
Subject: Ordinance Concerning the Timing of the Construction of Off Site Improvements
(This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because it is not a project. CEQA Guidelines, Section 15378 (b)(2).

Purpose

To review a proposed ordinance that addresses community desires to mitigate the delays in public improvements required in conjunction with private development.

Recommendation

Introduce an Ordinance, waiving first reading, adding Section 15.04.045 to Chapter 15 of the Brisbane Municipal Code, "Concerning the Timing of the Construction of Off Site Improvements."

Background

Under the Building Code, a building permit is valid for one year but the permit may be extended six months at a time if, in the judgment of the building official, the property owner is making progress on the work allowed under the permit. Accordingly, work under a building permit may continue indefinitely so long as the property owner continues to do work.

This open ended timeframe, however, may cause, and has caused, neighborhood problems. For example, some permits require that offsite improvements, such as road widenings or off street parking spaces, be constructed in connection with the onsite work. Currently there is no requirement when, relative to the onsite work, that such off site work must be undertaken and completed. This leads to situations where the existing street is impacted, causing disruption of traffic patterns for those living in the neighborhood. Additionally, work onsite that does not get completed expeditiously leads to unfinished work that is a neighborhood eyesore and nuisance.

The Municipal Code currently does not have provisions that would require off site work to be completed before onsite work begins. Staff has drafted the attached ordinance the purpose of which is to eliminate or substantially reduce neighborhood concerns.

Discussion

Where a building permit requires off site improvements, such as a street widening, parking spaces, or a retaining wall, the attached ordinance would require the applicant to construct such improvements under a schedule approved by the city engineer before beginning any onsite construction unless the city engineer specifically provided that certain onsite construction could be undertaken.

Concerning onsite work that is an eyesore or causes a neighborhood nuisance, the building code currently authorizes the building official to direct the applicant to eliminate the unsightly conditions or conditions that are causing the neighborhood nuisance. The applicant's failure to do as directed would lead to administrative citations to other enforcement action. Accordingly, there is no need to address these concerns by an amendment to the Code.

Fiscal Impact

There is no direct fiscal impact in enacting this ordinance.

ENVIRONMENTAL REVIEW

Adoption of this ordinance does not need further environmental review under the California Environmental Quality Act (CEQA) as it is general policy and procedure making and not applied to a specific instance and therefore it is not a "project". CEQA Guidelines, Section 15378 (b) (2).

Attachments

1. Proposed Ordinance

R.L. Breault

Randy Breault, Public Works Director

Clay Holstine, City Manager

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF BRISBANE
ADDING SECTION 15.04.045 TO THE BRISBANE MUNICIPAL CODE CONCERNING
THE TIMING OF THE CONSTRUCTION OF OFF SITE IMPROVEMENTS**

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

Section 1. Section 15.04.045 is added to the Brisbane Municipal Code to read as follows:

“Section 15.04.045. Timing of the construction of off site improvements.

Where a building permit requires that an applicant construct certain off site improvements including, but not limited, to road widening, retaining walls and/or parking spaces, the applicant shall construct all such improvements in a schedule approved by the city engineer before beginning any on site construction unless the city engineer authorizes specific on site construction before the enumerated off site improvements are completed.”

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 3. This Ordinance shall be in full force and effect 30 days after its passage and adoption.

* * * *

The above Ordinance was regularly introduced and after waiting the time required by law was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on October 5, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Madison Davis, Mayor

ATTEST:

Ingrid Padilla, City Clerk

APPROVED AS TO FORM:

Thomas R. McMorrow, City Attorney

File Attachments for Item:

Q. Consider Introduction of a Draft Ordinance Amending Chapter 10.52 of the Brisbane Municipal Code to Incorporate Transportation Demand Management (TDM) Requirements

(This ordinance is statutorily exempt from environmental review under CEQA Guidelines Section 15183(a) - Projects Consistent with a Community Plan or Zoning, and categorically exempt from environmental review under CEQA Guidelines Section 15308 - Actions by Regulatory Agencies for Protection of the Environment)



CITY COUNCIL AGENDA REPORT

Meeting Date: October 5, 2023

From: John Swiecki, Community Development Director

Subject: Introduction of a draft ordinance amending Chapter 10.52 of the Brisbane Municipal Code to incorporate Transportation Demand Management (TDM) requirements and finding that this ordinance is statutorily exempt from environmental review under CEQA Guidelines Section 15183(a) - Projects Consistent with a Community Plan or Zoning, and categorically exempt from environmental review under CEQA Guidelines Section 15308 - Actions by Regulatory Agencies for Protection of the Environment.

COMMUNITY GOAL/RESULT

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

PURPOSE

To repeal and replace the City's Transportation System Management (TSM) Ordinance, Chapter 10.52 of the Brisbane Municipal Code (BMC), with a citywide Transportation Demand Management (TDM) ordinance in accordance with San Mateo County's Congestion Management Plan.

RECOMMENDATION

1. Introduce the attached draft TDM ordinance;
2. Direct staff to request an exemption from C/CAG's TDM Policy;
3. Direct staff to draft a resolution establishing fines for noncompliant Tier 3 projects at a rate dependent on the size of the employer;
4. Direct staff to amend Chapter 17.34 of the BMC to add parking maximums for office and life science uses and update bicycle parking requirements; and
5. Direct staff to request proposals for a Transportation Impact Fee Nexus Study

BACKGROUND

The City/County Association of Governments of San Mateo County (C/CAG) updated its TDM Policy guidance for the County and it became effective as of January 1, 2022. TDM refers to policies, programs, and strategies that aim to reduce vehicular travel, particularly single-occupancy vehicles, and helps manage vehicle congestion in accordance with San Mateo County's Congestion Management Plan (CMP). TDM measures that reduce single occupancy vehicle travel and shift trips to transit, active transportation, and carpooling can provide a range of benefits, including but not limited to: alleviating traffic congestion, reducing vehicle miles traveled (VMT) and greenhouse gas emissions, and making efficient use of existing transportation systems.

The mandatory countywide TDM policy includes recommended thresholds for residential and nonresidential development projects subject to a TDM program and performance targets for single-occupancy vehicle mode shares as briefly summarized in the table below. CCAG's TDM

policy allows local jurisdictions to adopt a local ordinance which, at a minimum, meets CCAG's TDM requirements through the policy exemption process described below.

In 2021, the City Council's ad hoc Transportation Demand Policy Subcommittee discussed the implications of C/CAG's new TDM policy potential and whether a Brisbane-specific TDM ordinance would more effectively result in trip reduction and mode shift than C/CAG's policy. Subsequently, in February 2022 the subcommittee directed staff to move forward with transportation consultant Fehr & Peers to create a TDM strategy for Brisbane to be more responsive to our local challenges and opportunities. On May 24, 2023, the subcommittee reviewed a draft copy of the TDM Strategy Document and ordinance and recommended minor amendments, which have been incorporated.

DISCUSSION

TDM Strategy for the City of Brisbane

The draft TDM Strategy for the City of Brisbane (Attachment 2), prepared by Fehr and Peers and in consultation with City staff, provides a strategy to address land use changes and align with County and State requirements. It includes a proposed TDM Ordinance along with implementation measures related to planning and monitoring TDM measures as well as supportive actions related to funding and parking policies.

Projects consistent with the draft TDM Ordinance would be considered consistent with both General Plan Policy C.38, and its implementing programs, as well as the C/CAG TDM Policy. While it builds upon C/CAG's countywide approach, requirements of the draft Ordinance are tailored to the City of Brisbane and it would also capture more projects that would otherwise not be subject to C/CAG's countywide TDM policy.

Similarities and differences between C/CAG's and proposed City requirements to increase non-auto mode share and reduce drive-alone trips are summarized in the table below and included within Appendix A of the draft TDM Strategy Document. Generally, office/R&D projects, which comprise the primary generator of peak period commute trips and VMT within the City, would be required to achieve a higher non-auto mode share under the draft TDM Ordinance than under C/CAG's recommendations (52 percent drive alone, compared to 67 percent to 73 percent under C/CAG). Large office/R&D projects would also be subject to more frequent surveys, vehicle counts, and enforcement under the draft Ordinance versus C/CAG's policy.

C/CAG vs. City of Brisbane Performance & Monitoring for Nonresidential Uses

Sample Land Use (Tier)	C/CAG		City of Brisbane	
	Drive Alone Mode Share	Monitoring	Drive Alone Mode Share	Monitoring
Office/R&D and any other developments with significant impacts to VMT (Tier 3)	67%-73%	Biennial/ triennial surveys for first 18 years	52%	Annual surveys and counts for lifespan of project
Other employment uses with less-than-significant impacts to VMT (Tier 2)	67%-73%	Biennial/ triennial surveys for first 18 years	52%	Annual surveys for the first 20 years
Other non-residential uses (e.g., retail and hotel) with less-than-significant impacts to VMT (Tier 1 & 2)	67% - 73%	Biennial/ triennial surveys for first 18 years	52%	None (Projects may be subject to C/CAG monitoring)

C/CAG TDM Policy Exemption

Local jurisdictions may request an exemption from the requirement to apply the C/CAG TDM Policy provided they have adopted their own TDM program and can sufficiently prove that their adopted TDM measures meet or exceed trip mitigation impacts required by C/CAG. As indicated above and documented in Appendix A of the draft TDM Strategy Document, the City would achieve a higher non-auto mode share under the proposed draft TDM Ordinance than C/CAG's recommendations for nonresidential uses and match C/CAG's performance standards for residential uses. The draft TDM Ordinance would also require more robust monitoring and reporting requirements than C/CAG. Therefore, staff believes the draft Ordinance is more stringent than C/CAG's policy and C/CAG will grant an exception. Obtaining an exemption would also streamline the TDM process and avoid multiple rounds of redundant regulatory review for applicable projects.

Draft Ordinance Applicability and Requirements

As indicated previously, the draft Ordinance (Attachment 1) would apply to more projects than required under C/CAG's TDM policy, which only includes projects that generate 100 or more average daily trips. In addition to the above threshold, any nonresidential project applying for a building permit with improvements that exceed \$500,000 in construction costs and any project involving additions or alterations to a building, which calculated together or apart, constitute 50 percent of the pre-existing floor area of the building would also be subject to the draft Ordinance.

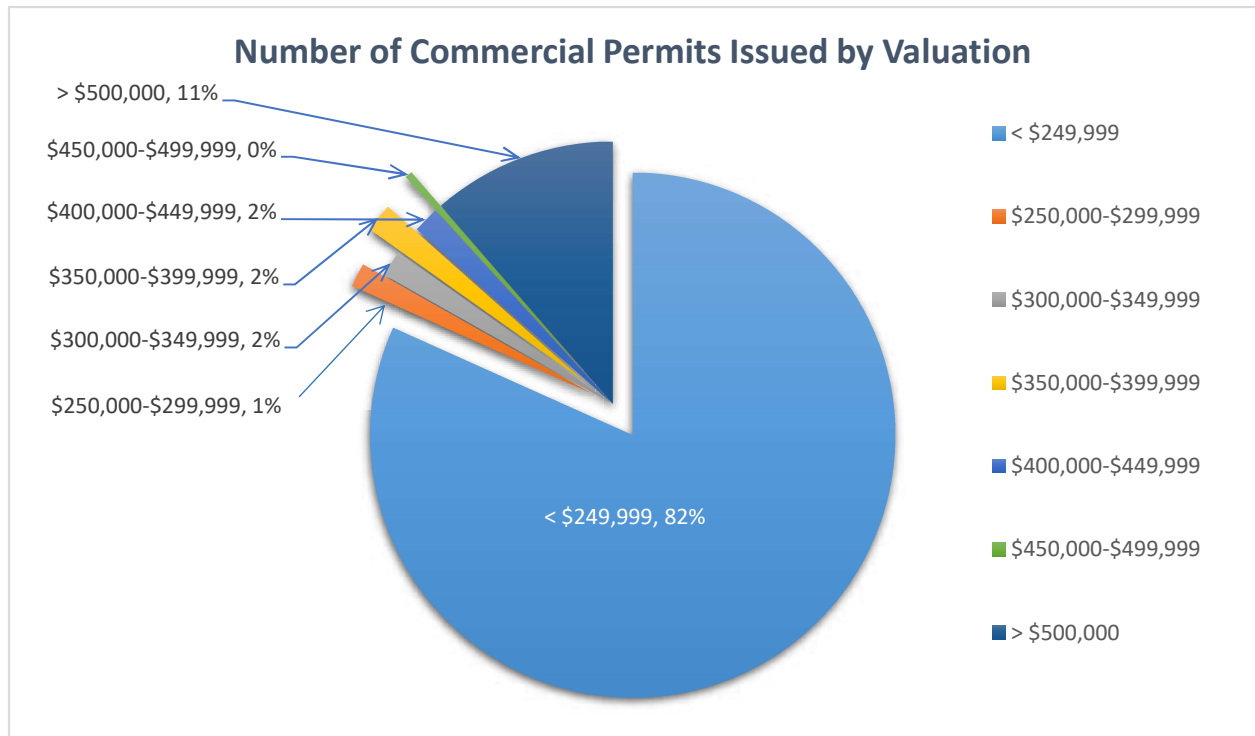
All projects subject to the requirements of the draft Ordinance would be required to incorporate trip reduction measures, based on a tiered system. Tier 1 includes uses with the least traffic impacts, Tier 2 uses have moderate traffic impacts, and Tier 3 uses have the greatest impacts. Applicability and TDM requirements are briefly summarized below:

- Tier 1: These projects would include uses that have a very limited impact on peak period commute trips, such as residential and nonresidential uses that do not qualify as Tier 2 or 3. These projects would be subject to a limited number of TDM measures, such as participation in Commute.org trip reduction programs, and annual reporting for a few years.
- Tier 2: This tier generally would include most commercial uses found within Crocker Industrial Park, such as warehousing, and all office/R&D uses (citywide) between 10,000 and 50,000 square feet. These projects would be subject to all Tier 1 TDM measures plus additional (Tier 2) TDM measures, such as providing financial contributions to Commute.org's shuttle operations, and more rigorous annual reporting requirements.
- Tier 3: This is the most stringent tier and would include all office/R&D uses in the City larger than 50,000 square feet, or the primary generators of peak period commute trips and vehicle miles traveled in the City. These projects would be subject to all Tier 1 and Tier 2 TDM measures plus additional measures to be documented within a TDM plan and even more rigorous annual reporting requirements to be performed in perpetuity.

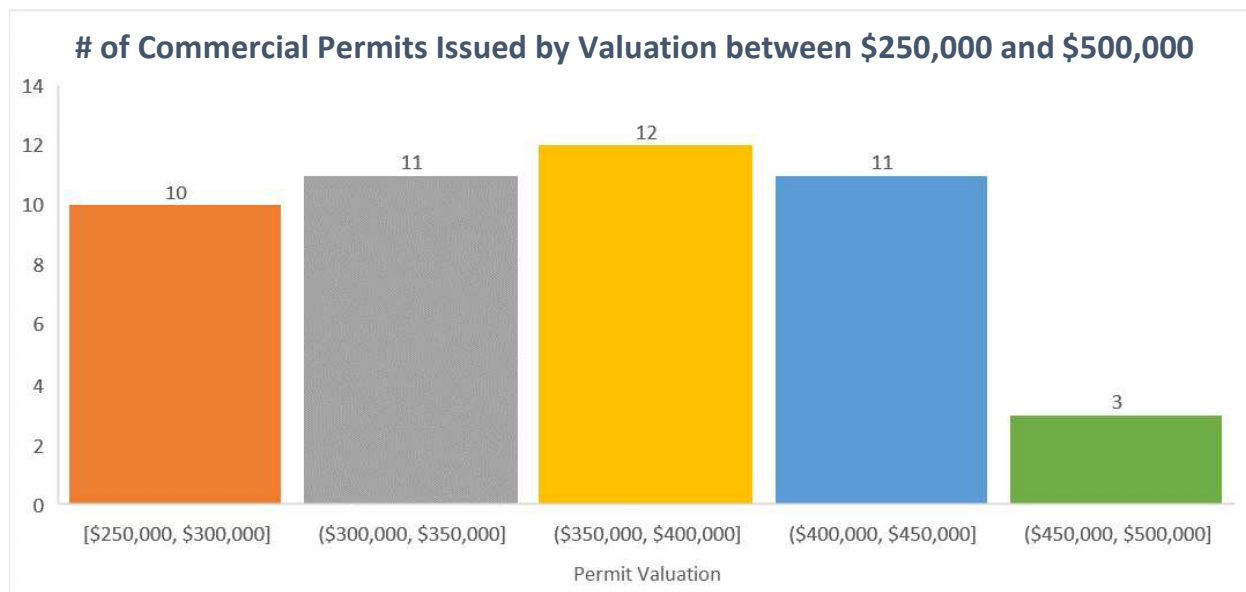
Threshold for Construction Costs

Any nonresidential project applying for a planning or building permit for improvements valued at more than \$500,000 in construction costs, regardless of the number of average daily trips generated would be subject to the draft Ordinance. At the May 24, 2023 Transportation Demand Policy Subcommittee meeting, staff was asked to provide additional information regarding the \$500,000 construction cost threshold for nonresidential projects. This threshold is intended to reduce VMT generated and maximize usage of shuttle services at existing development within the Crocker Industrial Park subarea. A lower number (threshold) would capture additional projects while a higher number would result in fewer projects being subject to the draft TDM Ordinance.

Staff examined all building permits issued between January 1, 2018 and July 3, 2023. A total of 678 permits were issued during that period for commercial construction projects and a summary of the number of permits issued by valuation is depicted below:



- 554 permits or 82% of those permits had a valuation (construction costs) of less than \$250,000. The average costs in this range were less than \$42,000.
- 11% had a valuation of more than \$500,000; the average costs exceeded one million dollars.
- 47 permits had a valuation between \$250,000 and \$500,000, broken down as shown below:



TDM Strategy Implementation

Included within the draft TDM Strategy for the City of Brisbane are additional supportive actions to complement the proposed ordinance. Supportive or follow-up actions include adopting enforcement fines for Tier 3 projects, establishing parking maximums, minimum bicycle parking requirements and consideration of a citywide transportation impact fee, as detailed below.

Enforcement Fines

All projects subject to the draft TDM Ordinance would be subject to the City's existing fines, penalties, and enforcement provisions set forth within Chapters 1.14, 1.16, and 1.18 of the BMC for failure to either submit an annual compliance report or submission of an incomplete report or to implement and maintain trip reduction measures required under the draft Ordinance. Under the BMC, administrative fines are \$100 for a first citation, \$200 for a second citation of the same violation, and \$500 for each additional citation for the same violation within 12 consecutive months.

However, failure to implement and maintain trip reduction measures and/or if the target mode share is not being achieved by larger, Tier 3 projects, the draft Ordinance would allow each participant two violations, with opportunity to correct, before triggering the first fine. Fines would then be administered for each subsequent year of non-compliance after the third violation. The draft TDM Strategy recommends assessing fines for these larger, Tier 3 projects at a rate dependent on the size of the employer, rather than a flat rate (Appendix A). Associating the fine to the number of employees would be a more equitable means to ensure violators with the greatest impact on VMT comply with the requirements of the draft TDM Ordinance. The City Council would need to adopt such fines by resolution.

Based on preliminary research, fines could potentially be between \$50 and \$200 per employee and additionally be assessed at a variable rate dependent upon the size of the employer. Alternatively, the Council could amend the draft TDM Ordinance to apply the fines already established under the BMC for Tier 3 project violators.

Parking Maximums and Bicycle Parking

Aligning parking requirements with TDM performance targets would help the City achieve VMT reductions and mode shifts outlined in the draft TDM Strategy. The City's current minimum requirement for (administrative) office use, which also encompasses life science uses, is one space per 300 square feet and provides enough parking for nearly every employee to drive. Furthermore, life science uses, which typically have one employee for every 350 to 450 square feet, would have a parking supply that exceeds the employee population under the BMC's existing parking minimums.

Recommended parking maximums for office and life science uses, provided within Table D of Attachment 2, should be approximately one space per 500 square feet to one space per

650 square feet to promote alternative transportation use and help achieve the mode share target set forth in the draft TDM Ordinance.

A revision to bike parking standards is also suggested. Brisbane does not currently require residential projects to provide bicycle parking. The bicycle parking requirements in the proposed Baylands Specific Plan (Table E of Attachment 2) is a good example of bicycle parking requirements for residential uses. Requiring minimum long-term bicycle parking facilities in multifamily projects can help enhance the viability of bicycle use as a means to support mode shift.

Transportation Impact Fee

Brisbane's development pipeline and infrastructure needs justify consideration of a transportation impact fee. Transportation impact fees standardize the contributions of developments for potential infrastructure improvements to help ensure that developments are paying their fair share. Impact fees may be enacted with council approval and do not require voter approval, like other funding mechanisms, but a nexus study is required to set an impact fee in relation to capital improvement needs.

Most cities in San Mateo County have transportation impact fees for office and life science projects with fees that range from \$2 to \$29 per square foot. South San Francisco, which covers the southern portion of Sierra Point and shares similarities in its growing life science market and evolving transportation conditions, has the highest fee in the county at \$29 per square foot.

FISCAL IMPACT

None associated with the proposed ordinance or changes to parking or bike parking standards. Subsequent actions related to the consideration of enforcement fines and adoption of transportation impact fees could potentially raise City revenues.

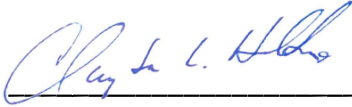
MEASURE OF SUCCESS

Application of Brisbane-specific TDM measures that would more effectively result in trip reductions, exceeding the minimum requirements under C/CAG's TDM policy, and help meet the goals of the City's General Plan and Climate Action Plan.

ATTACHMENTS

1. Draft Ordinance
2. Draft TDM Strategy Document


 John Swiecki, Community Development Director


 Clay Holstine, City Manager

**Draft
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF BRISBANE
TO AMEND CHAPTER 10.52, BRISBANE MUNICIPAL CODE CONCERNING
TRANSPORTATION DEMAND MANAGEMENT**

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

SECTION 1: Chapter 10.52 of Brisbane Municipal Code is deleted in its entirety and replaced to read as follows:

Chapter 10.52 – Transportation Demand Management

10.52.010 – Findings.

The council of the city finds and determines that:

- A. Continued growth in both the City and the overall region have led to increased vehicle trips, longer commute times, and a continued need for transportation management.
- B. Future development in the City and the region is likely to lead to additional vehicle trips, particularly during the AM and PM commute hours.
- C. A reduction in daily vehicle miles traveled (VMT) for residential and nonresidential developments is proposed to reduce greenhouse gas emissions and improve air quality.
- D. There is limited capacity to expand existing roadway infrastructure and roadway expansions have the potential to induce greenhouse gas emissions, depending on the type of expansion.
- E. Decreasing the amount of VMT during both the peak periods and across the day will improve quality of life, help manage use of existing City infrastructure, and help make Brisbane an attractive and convenient place to live, work, visit and do business.
- F. Transportation demand management programs can help to reduce VMT, and can be even more effective when coordinated at a regional level, and when utilizing acknowledged best practices to encourage mode shift away from single occupant vehicles
- G. Participation in the Peninsula Traffic Congestion Relief Alliance (Commute.org) has helped manage VMT growth in the City, however additional efforts to decrease VMT have been proposed to further reduce VMT and vehicle trips.
- H. Developing additional measures for new developments to ensure they offer robust transportation demand management programs, comply with design best practices to reduce reliance on private automobiles, and work towards the City's goals is the next

logical step in working to alleviate both VMT and the environmental impacts of new developments.

- I. The Sierra Point subarea, due to limited roadway access, experiences higher levels of congestion compared to Brisbane as a whole and may require more aggressive actions to manage VMT and vehicle trips.
- J. The San Mateo County Congestion Management Program requires projects generating more than 100 daily vehicle trips to implement an appropriate TDM Program; this ordinance meets the relevant CMP requirements. Projects which are consistent with the City's TDM Program are considered consistent the C/CAG's CMP TDM Policy.

10.52.020 – Purpose.

The specific purposes of this chapter are:

- A. Reduce the number of VMT generated by new and existing development.
- B. Manage vehicular trips, especially trips associated with drive-alone commute trips during peak traffic periods (6am – 10am and 3pm – 7pm on weekdays).
- C. Promote more efficient utilization of existing transportation facilities and ensure that new developments maximize usage of shuttle services, transit, active transportation, carpooling, and vanpooling.
- D. Increase awareness of and promote greater public use of walking, bicycling, transit, carpooling, and vanpooling.
- E. Develop a set of Transportation Demand Management (TDM) programs designed to ensure the most effective types of TDM measures are included in all new developments.
- F. Achieve compliance with the City/County Association of Governments of San Mateo County's (C/CAG) Congestion Management Program within the City of Brisbane thereby avoiding multiple rounds of regulatory review.

10.52.030 – Definitions.

For the purposes of this chapter, the following definitions apply:

- A. "Average daily trips" shall mean the average number of vehicle trips (inclusive of all auto, freight, and other motorized travel) to and from a project site on a typical weekday, not including holidays and excluding construction vehicle related trips.
- B. "Peak period" shall mean the busiest or most popular travel time on weekdays (6am-10am and 3pm-7pm)

- C. “Project” shall mean any construction, development, or infrastructure project, that requires the issuance of any discretionary planning permit pursuant to Brisbane Municipal Code Title 17 or a building permit under Brisbane Municipal Code Title 15.
1. “Trade Commercial Project” shall mean any nonresidential use, other than warehousing, office, and research and development, defined under Chapter 17.02 that is permitted or conditionally allowed in any Trade Commercial Zoning District.
 2. “Mixed-Use Project” shall mean any project consisting of two or more of the following:
 - i. Residential dwelling units
 - ii. Trade commercial
 - iii. Warehousing, office, and research and development

10.52.040 – Applicability.

The requirements of this chapter shall apply to the following:

- A. All projects that generate one hundred (100) or more average daily trips, based on localized factors and reasonable trip generation estimates, which includes, but is not limited to data from the Institute of Traffic Engineers (ITE) trip generation rates, or the trip generation data from Vehicle Miles Traveled (VMT) calculations. As part of this analysis the City may consider the ability of a project to displace existing vehicle trips, i.e. the net change in average daily trips. The Community Development Director, or their designated representative, may determine what constitutes a reasonable trip generation rate.
- B. Any nonresidential project applying for a planning or building permit for improvements valued at more than \$500,000 in construction costs, regardless of the number of average daily trips generated.
- C. Any project involving additions, alterations, or major rebuilds to a lawfully constructed building completed within any five (5) year period subject to the requirements set forth in Chapter 15.10 of Title 15, regardless of the number of average daily trips generated.

10.52.050 – Exemptions.

The following projects are exempt from this chapter:

- A. Specific Plans. All projects in an area subject to a specific plan shall comply with TDM requirements, which shall be at least as stringent as the provisions of this chapter, imposed by that specific plan.

- B. Previously entitled projects. Projects with an approved development agreement or, prior to November 18, 2023, that have an approved vesting tentative map shall be measured according to the performance standards specified in their respective conditions of approval. Projects for which the City has issued a building permit prior to November 18, 2023 shall also be measured according to the performance standards specified in their respective conditions of approval, provided, however, that if such project requires one or more additional building permits one or more of which meet the applicability standards within subsection 10.52.040, the performance standards in this Chapter shall apply.
- C. Affordable Housing. Multifamily residential projects in which one hundred percent (100%) of the dwelling units are designated as Affordable, Inclusionary, or Target Units per BMC Chapter 17.31.
- D. Small residential projects. Any residential project consisting of either of the following:
 - 1. Fewer than twenty (20) multiple-family dwelling units as defined as defined in Section 17.02.235 of Title 17; or
 - 2. Fewer than ten (10) single-family dwellings as defined in as defined in Section 17.02.235 of Title 17; or
 - 3. Fewer than seven (7) duplexes (i.e., fewer than fourteen duplex dwelling units) as defined in Section 17.02.230 of Title 17.
- E. Accessory dwelling units and junior accessory dwelling units. Accessory dwelling units and junior accessory dwelling units, as defined in Section 17.02.235 of Title 17.
- F. Projects with environmental benefits. Any project, as determined by the Community Development Director, which results in an environmental benefit to the City and will not generate new ADT (including projects which generate localized trips but displace other existing trips) or are under one hundred (100) average daily trips.

10.52.060 - Project Tier Requirements.

- A. Tiers of Compliance. All projects subject to the requirements of this chapter shall incorporate trip reduction measures, prescribed under Section 2.7 (10.52.070), based on the following three tiers. Mixed-use projects are subject to the highest applicable tier for any single project component:
 - 1. Tier 1. The following projects shall implement all Tier 1 TDM measures, submit an initial self-certification report, and an annual self-certification report thereafter for the first six (6) years after occupancy:

- a. All nonresidential projects that do not meet the criteria for Tier 2 or Tier 3; and
 - b. Residential projects not exempted under Section 2.5 (10.52.050) of this Title.
- 2. Tier 2. The following projects shall implement all Tier 1 and 2 TDM measures, submit an initial self-certification report, an annual self-certification report thereafter and conduct annual mode share surveys for the first twenty (20) years after occupancy:
 - a. Office and Research and Development (R&D) projects between ten thousand (10,000) and fifty thousand (50,000) square feet of gross building square footage; and
 - b. All warehousing and trade commercial projects.
- 3. Tier 3. The following projects shall implement all Tier 1, 2, and 3 TDM measures, submit an initial self-certification report, and annually monitor progress towards a target mode share of fifty-two percent (52%) of employees commuting via driving-alone and annually submit a self-certification report thereafter detailing the findings of yearly surveys and driveway counts in perpetuity:
 - a. Office and R&D projects with greater than fifty thousand (50,000) square feet of gross building square footage.
- B. Annual Compliance Reporting. All projects subject to the requirements of this chapter shall submit a self-certification report one year from issuance of the first certificate of occupancy and/or building permit final, whichever occurs first, and annually thereafter pursuant to subsection A of this section.
 - 1. Exception. Tier 1 and Tier 2 local-serving, nonresidential uses, including retail and hotel, as determined by the Community Development Director, are not subject to annual monitoring by the City unless found to have a significant impact to VMT during environmental review.

10.52.070 - Trip Reduction Measures.

- A. All projects subject to the requirements of this chapter shall implement all the required measures per the applicable tier of compliance prescribed in this section and/or contained within the City of Brisbane's Transportation Demand Management Strategy document or successor TDM document.

1. Tier 1 Measures:
 - a. Designate a dedicated TDM Coordinator to serve as point person of the project and engage in regular marketing activities, including sharing information on transportation alternatives;
 - b. Participate in Commute.org trip reduction programs;
 - c. Provide bicycle and pedestrian-oriented site access;
 - d. Provide bicycle parking per city code;
 - e. Provide upgrades to pedestrian, bicycle, or transit infrastructure along the Project's frontage as requested by the City; and
 - f. Complete an annual self-certification report for a designated time period as required by Section 2.6 (10.52.060) of this Title.
2. Tier 2 Measures – All Tier 1 measures plus all of the following:
 - g. Provide financial contributions toward Commute.org's shuttle operations consortium, or successor organization designated by the City, at a level to be specified by Commute.org (or successor organization designated by the City) based on project's size and proximity to shuttle service; and
 - h. Provide pre-tax commuter benefits to employees.
 - i. Conduct annual employee mode share surveys for informational purposes.
3. Tier 3 Measures – All Tier 1 and Tier 2 Measures plus all of the following:
 - j. Encourage telecommuting and flexible work schedules;
 - k. Right-size parking supply within City required maximums per Chapter 17.34;
 - l. If located within the SP-SCRO Zoning District, provide a fair share financial contribution toward a Commute.org shuttle service (or successor organization designated by the City) proposed to achieve a peak period frequency of 15 minutes or better to BART and Caltrain;
 - m. Provide a subsidized carpool and vanpool program;
 - n. Provide parking cash-out or implement paid parking on-site;
 - o. Provide transit subsidy benefits up to the IRS maximum amount;
 - p. Provide access to end-of-trip bicycle facilities including showers, lockers, and a bicycle repair station on-site, or within 100 yards of the site; and

- q. Conduct annual employee mode share surveys and driveway counts to monitor progress towards a fifty-two percent (52%) drive alone mode share goal.
- B. Additional measures not listed in this section may be applied at the City's discretion.
- C. The City may reduce the requirements of this section or chapter if a project is shown to attain VMT values consistent with local, regional, or state goals without implementation of all measures required herein.

10.52.080 - Submittal Requirements & Approvals Process.

- A. Submittal Requirement. The following TDM documentation shall be submitted with any discretionary planning permit application and/or building permit application:
 - 1. TDM Checklist (all Tiers);
 - 2. (Tier 3 projects only) TDM plan, including:
 - a. A letter documenting the project's proposed trip reduction measures consistent with the requirements identified in Section 2.7 (10.52.070);
 - b. An annotated site plan that designates trip reduction design elements; and
 - c. Property owner certification that the required measures will be implemented and maintained per Section 2.6 (10.52.060) and monitored per Section 2.9 (10.52.090).
 - 3. (If applicable) Tenant concurrence letter demonstrating acknowledgement and cooperation with the proposed trip reduction measures, including:
 - a. Tenant certification that applicable trip reduction measures are identified in their lease; and
 - b. A summary of how the tenant is implementing applicable TDM measures.
 - 4. Additional documentation not listed above may be required at the discretion of the City.
- B. Approvals Process. The Community Development Director shall review the documentation required pursuant to subsection A of this section and determine if the proposed TDM program includes all required TDM measures and is adequate to achieve the relevant performance target for the Project.

10.52.090 - Monitoring & Enforcement.

All projects are subject to the following monitoring and enforcement process:

- A. Initial Compliance Report. Prior to building permit issuance, all projects must submit an initial compliance letter to the Community Development Director documenting trip reduction measures and how their TDM program will be implemented.
- B. Annual Compliance Report. All projects, unless excepted under subsection 10.52.060.B.1, are required to submit an annual compliance report documenting the continued implementation of TDM measures pursuant to the requirements contained within Section 2.6 (10.52.060) to the Community Development Director.
 - 1. Tier 2 and Tier 3 Projects. Annual Compliance Reports shall include results from surveys and driveway counts pursuant to subsection Section 10.52.060.A.2.
 - 2. Tier 3 Projects. Tier 3 projects that do not achieve the target drive alone mode share prescribed under subsection 10.52.060.A.3 shall include proposed changes to their TDM Program to further reduce VMT and vehicle trips with the Annual Compliance Report.
- C. Penalty for Noncompliance. The violation of any provision of this chapter is unlawful, hereby declared to be a public nuisance, and shall be subject to the following:
 - 1. All projects. Failure to submit the required annual compliance report prescribed under subsection B, or submission of an incomplete annual compliance report, shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.
 - 2. All projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.
 - 3. Tier 3 Projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) and/or if the target mode share is not being achieved shall result in the following penalties
 - a. First Violation. The City will direct the participant to modify its TDM program to achieve compliance.
 - b. Second Violation. The City will direct the participant to coordinate with Commute.org, or successor agency, or retain an independent consultant to identify additional program modifications to achieve compliance.
 - c. Third Violation. The City shall assess a fine per a City Council approved resolution. Fines shall be assessed for each additional violation in subsequent years.

D. Appeals. Any person receiving a notice of violation or correction issued under this chapter may file a notice of appeal with the city clerk within ten (10) days after receipt of the notice to challenge the determination that a violation occurred, that corrective action is necessary, or in the case of a fine imposed on the owner of a Tier 3 project, the amount of the fine.

1. The city manager, or designee, shall conduct an administrative hearing within thirty (30) days after the filing of the appeal. With the consent of the appellant, the matter may be continued if additional time is needed for the city manager to evaluate the appeal.
2. The city manager, or designee, shall render a written decision within ten (10) days after the conclusion of the hearing and may affirm, reverse or modify the determination whether there has been a violation, whether corrective action is necessary, and/or the amount of the fine. The city manager, or designee, may consider whether the participant has made a good faith effort to achieve the required alternative mode use.
3. The decision of the city manager, or designee, shall be final.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: The actions contained in this ordinance comply with the California Environmental Quality Act (CEQA), being statutorily exempt per CEQA Section 15183(a) - Projects Consistent with a Community Plan or Zoning, and categorically exempt per CEQA Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

SECTION 4: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and, after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Transportation Demand Management Strategy

Prepared for:
City of Brisbane

October 2023

FEHR  PEERS

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1. Introduction

1.1 About this Report

Transportation Demand Management (TDM) refers to policies, programs, and strategies that aim to reduce vehicle travel, particularly single-occupancy vehicles. TDM measures that reduce single occupancy vehicle travel and shift trips to transit, active transportation, and carpooling can provide a range of benefits, including but not limited to: alleviating traffic congestion, reducing vehicle miles traveled (VMT) and greenhouse gas emissions, managing parking demand, promoting more physically active communities, and making efficient use of the existing transportation system.

This report provides a TDM Strategy for the City of Brisbane to prepare the City for land use changes and align with policies with county and state requirements. It documents a proposed TDM Ordinance for the City along with implementation measures related to planning and monitoring TDM measures as well as supportive actions for infrastructure, services, funding, and parking policies.

1.2 Policy Context

Numerous plans and policies already in place (at both the local, regional, and State level) support an ordinance promoting provision of TDM programs at new developments.

City of Brisbane General Plan

The City of Brisbane's General Plan Policy C.38 strives to promote TDM as a means of reducing traffic congestion:

Policy C.38 Continue participation in the efforts of subregional and regional transportation agencies to manage transportation systems.

Program C.38.a Continue active participation in the Congestion Management Program.

Program C.38.b Continue active participation in the Peninsula Traffic Congestion Relief Alliance Joint Powers Authority (Commute.org), as a means to cooperatively encourage residents and employees to reduce demand on transportation infrastructure.

Program C.38.c Provide information to citizens, employers, and employees on the alternatives to the single-occupant commute vehicle and the benefits of using the alternatives.

Program C.38.d Provide local incentives for participation in Transportation System Management (TSM) and Transportation Demand Management (TDM) programs.

Program C.38.e Require TSM and TDM measures to help mitigate the traffic and parking impacts of development projects.

Brisbane Municipal Code Chapter 10.52

The City of Brisbane's Municipal Code Chapter 10.52 currently establishes a Transportation System Management Program aimed at reducing automobile trips and vehicle miles traveled. The ordinance codifies the City's participation in countywide efforts to reduce vehicle trips (via the Peninsula Traffic Congestion Relief Alliance, or Commute.org) and the Congestion Management Program. The program proposed below would replace and supersede this program in its entirety.

C/CAG Congestion Management Plan Compliance

TDM helps manage vehicle congestion in accordance with San Mateo County's Congestion Management Plan (CMP). CMP compliance is monitored by the City/County Association of Governments of San Mateo County (C/CAG), which updated its TDM Policy guidance for the county in 2021.¹ C/CAG's guidance includes recommended thresholds for development projects to be subject to a TDM program and includes recommended performance targets for single-occupancy vehicle mode shares. The City of Brisbane retains the ability to develop its own TDM Ordinance consistent with the framework provided by C/CAG.

The City's goal has been to streamline the TDM process and avoid multiple rounds of regulatory review. Therefore, the City's TDM Ordinance below has been drafted to comply with C/CAG's guidance and TDM Policy Update (2021 San Mateo County CMP, Section 6). Consequently, projects which are consistent with the City's program will also be considered consistent with C/CAG's TDM Policy.

¹ Transportation Demand Management Policy Update Approach, C/CAG, September 1, 2021 <https://ccag.ca.gov/wp-content/uploads/2021/09/6.3-A5-CCAG-TDM-Policy-Update-Approach-June-2021-Final-w-redlines.pdf>

2. Proposed TDM Ordinance

The following TDM ordinance is recommended for adoption by the City of Brisbane. This Ordinance would replace and supersede Brisbane Municipal Code Chapter 10.52 in its entirety, and projects which are consistent with the City's TDM Program, would also be considered consistent with both General Plan Policy C.38 and its implementing programs and the C/CAG TDM Policy.

2.1 Findings (10.52.010)

The council of the city finds and determines that:

- A. Continued growth in both the City and the overall region have led to increased vehicle trips, longer commute times, and a continued need for transportation management.
- B. Future development in the City and the region is likely to lead to additional vehicle trips, particularly during the AM and PM commute hours.
- C. A reduction in daily vehicle miles traveled (VMT) for residential and nonresidential developments is proposed to reduce greenhouse gas emissions and improve air quality.
- D. There is limited capacity to expand existing roadway infrastructure and roadway expansions have the potential to induce greenhouse gas emissions, depending on the type of expansion.
- E. Decreasing the amount of VMT during both the peak periods and across the day will improve quality of life, help manage use of existing City infrastructure, and help make Brisbane an attractive and convenient place to live, work, visit and do business.
- F. Transportation demand management programs can help to reduce VMT, and can be even more effective when coordinated at a regional level, and when utilizing acknowledged best practices to encourage mode shift away from single occupant vehicles
- G. Participation in the Peninsula Traffic Congestion Relief Alliance (Commute.org) has helped manage VMT growth in the City, however additional efforts to decrease VMT have been proposed to further reduce VMT and vehicle trips.
- H. Developing additional measures for new developments to ensure they offer robust transportation demand management programs, comply with design best practices to reduce reliance on private automobiles, and work towards the City's goals is the next logical step in working to alleviate both VMT and the environmental impacts of new developments.
- I. The Sierra Point subarea, due to limited roadway access, experiences higher levels of congestion compared to Brisbane as a whole and may require more aggressive actions to manage VMT and vehicle trips.
- J. The San Mateo County Congestion Management Program requires projects generating more than 100 daily vehicle trips to implement an appropriate TDM Program; this ordinance meets the relevant CMP requirements. Projects which are consistent with the City's TDM Program are considered consistent the C/CAG's CMP TDM Policy.

2.2 Purpose (10.52.020)

The specific purposes of this chapter are:

- A. Reduce the number of VMT generated by new and existing development.
- B. Manage vehicular trips, especially trips associated with drive-alone commute trips during peak traffic periods (6am – 10am and 3pm – 7pm on weekdays).
- C. Promote more efficient utilization of existing transportation facilities and ensure that new developments maximize usage of shuttle services, transit, active transportation, carpooling, and vanpooling.
- D. Increase awareness of and promote greater public use of walking, bicycling, transit, carpooling, and vanpooling.
- E. Develop a set of Transportation Demand Management (TDM) programs designed to ensure the most effective types of TDM measures are included in all new developments.
- F. Achieve compliance with the City/County Association of Governments of San Mateo County's (C/CAG) Congestion Management Program within the City of Brisbane thereby avoiding multiple rounds of regulatory review.

2.3 Definitions (10.52.030)

For the purposes of this chapter, the following definitions apply:

- A. "Average daily trips" shall mean the average number of vehicle trips (inclusive of all auto, freight, and other motorized travel) to and from a project site on a typical weekday, not including holidays and excluding construction vehicle related trips.
- B. "Peak period" shall mean the busiest or most popular travel time on weekdays (6am-10am and 3pm-7pm)
- C. "Project" shall mean any construction, development, or infrastructure project, that requires the issuance of any discretionary planning permit pursuant to Brisbane Municipal Code Title 17 or a building permit under Brisbane Municipal Code Title 15.
 1. "Trade Commercial Project" shall mean any nonresidential use, other than warehousing, office, and research and development, defined under Chapter 17.02 that is permitted or conditionally allowed in any Trade Commercial Zoning District.
 2. "Mixed-Use Project" shall mean any project consisting of two or more of the following:
 - i. Residential dwelling units
 - ii. Trade commercial
 - iii. Warehousing, office, and research and development

2.4 Applicability (10.52.040)

The requirements of this chapter shall apply to the following:

- A. All projects that generate one hundred (100) or more average daily trips, based on localized factors and reasonable trip generation estimates, which includes, but is not limited to data from the Institute of Traffic Engineers (ITE) trip generation rates, or the trip generation data from Vehicle Miles Traveled

(VMT) calculations. As part of this analysis the City may consider the ability of a project to displace existing vehicle trips, i.e. the net change in average daily trips. The Community Development Director, or their designated representative, may determine what constitutes a reasonable trip generation rate.

- B. Any nonresidential project applying for a planning or building permit for improvements valued at more than \$500,000 in construction costs, regardless of the number of average daily trips generated.
- C. Any project involving additions, alterations, or major rebuilds to a lawfully constructed building completed within any five (5) year period subject to the requirements set forth in Chapter 15.10 of Title 15, regardless of the number of average daily trips generated.

2.5 Exemptions (10.52.050)

The following projects are exempt from this chapter:

- A. Specific Plans. All projects in an area subject to a specific plan shall comply with TDM requirements, which shall be at least as stringent as the provisions of this chapter, imposed by that specific plan.
- B. Previously entitled projects. Projects with an approved development agreement or, prior to November 18, 2023, that have an approved vesting tentative map shall be measured according to the performance standards specified in their respective conditions of approval. Projects for which the City has issued a building permit prior to November 18, 2023 shall also be measured according to the performance standards specified in their respective conditions of approval, provided, however, that if such project requires one or more additional building permits one or more of which meet the applicability standards within subsection 10.52.040, the performance standards in this Chapter shall apply.
- C. Affordable Housing. Multifamily residential projects in which one hundred percent (100%) of the dwelling units are designated as Affordable, Inclusionary, or Target Units per BMC Chapter 17.31.
- D. Small residential projects. Any residential project consisting of either of the following:
 - 1. Fewer than twenty (20) multiple-family dwelling units as defined as defined in Section 17.02.235 of Title 17; or
 - 2. Fewer than ten (10) single-family dwellings as defined in as defined in Section 17.02.235 of Title 17; or
 - 3. Fewer than seven (7) duplexes (i.e., fewer than fourteen duplex dwelling units) as defined in Section 17.02.230 of Title 17.
- E. Accessory dwelling units and junior accessory dwelling units. Accessory dwelling units and junior accessory dwelling units, as defined in Section 17.02.235 of Title 17.
- F. Projects with environmental benefits. Any project, as determined by the Community Development Director, which results in an environmental benefit to the City and will not generate new ADT (including projects which generate localized trips but displace other existing trips) or are under one hundred (100) average daily trips.

2.6 Project Tier Requirements (10.52.060)

- A. Tiers of Compliance. All projects subject to the requirements of this chapter shall incorporate trip reduction measures, prescribed under Section 2.7 (10.52.070), based on the following three tiers. Mixed-use projects are subject to the highest applicable tier for any single project component:
1. Tier 1. The following projects shall implement all Tier 1 TDM measures, submit an initial self-certification report, and an annual self-certification report thereafter for the first six (6) years after occupancy:
 - a. All nonresidential projects that do not meet the criteria for Tier 2 or Tier 3; and
 - b. Residential projects not exempted under Section 2.5 (10.52.050) of this Title.
 2. Tier 2. The following projects shall implement all Tier 1 and 2 TDM measures, submit an initial self-certification report, an annual self-certification report thereafter and conduct annual mode share surveys for the first twenty (20) years after occupancy:
 - a. Office and Research and Development (R&D) projects between ten thousand (10,000) and fifty thousand (50,000) square feet of gross building square footage; and
 - b. All warehousing and trade commercial projects.
 3. Tier 3. The following projects shall implement all Tier 1, 2, and 3 TDM measures, submit an initial self-certification report, and annually monitor progress towards a target mode share of fifty-two percent (52%) of employees commuting via driving-alone and annually submit a self-certification report thereafter detailing the findings of yearly surveys and driveway counts in perpetuity:
 - a. Office and R&D projects with greater than fifty thousand (50,000) square feet of gross building square footage.
- B. Annual Compliance Reporting. All projects subject to the requirements of this chapter shall submit a self-certification report one year from issuance of the first certificate of occupancy and/or building permit final, whichever occurs first, and annually thereafter pursuant to subsection A of this section.
1. Exception. Tier 1 and Tier 2 local-serving, nonresidential uses, including retail and hotel, as determined by the Community Development Director, are not subject to annual monitoring by the City unless found to have a significant impact to VMT during environmental review.

2.7 Trip Reduction Measures (10.52.070)

- A. All projects subject to the requirements of this chapter shall implement all the required measures per the applicable tier of compliance prescribed in this section and/or contained within the City of Brisbane's Transportation Demand Management Strategy document or successor TDM document.
1. Tier 1 Measures:
 - a. Designate a dedicated TDM Coordinator to serve as point person of the project and engage in regular marketing activities, including sharing information on transportation alternatives;

- b. Participate in Commute.org trip reduction programs;
 - c. Provide bicycle and pedestrian-oriented site access;
 - d. Provide bicycle parking per city code;
 - e. Provide upgrades to pedestrian, bicycle, or transit infrastructure along the Project's frontage as requested by the City; and
 - f. Complete an annual self-certification report for a designated time period as required by Section 2.6 (10.52.060) of this Title.
2. Tier 2 Measures – All Tier 1 measures plus all of the following:
- g. Provide financial contributions toward Commute.org's shuttle operations consortium, or successor organization designated by the City, at a level to be specified by Commute.org (or successor organization designated by the City) based on project's size and proximity to shuttle service; and
 - h. Provide pre-tax commuter benefits to employees.
 - i. Conduct annual employee mode share surveys for informational purposes.
3. Tier 3 Measures – All Tier 1 and Tier 2 Measures plus all of the following:
- j. Encourage telecommuting and flexible work schedules;
 - k. Right-size parking supply within City required maximums per Chapter 17.34;
 - l. If located within the SP-SCRO Zoning District, provide a fair share financial contribution toward a Commute.org shuttle service (or successor organization designated by the City) proposed to achieve a peak period frequency of 15 minutes or better to BART and Caltrain;
 - m. Provide a subsidized carpool and vanpool program;
 - n. Provide parking cash-out or implement paid parking on-site;
 - o. Provide transit subsidy benefits up to the IRS maximum amount;
 - p. Provide access to end-of-trip bicycle facilities including showers, lockers, and a bicycle repair station on-site, or within 100 yards of the site; and
 - q. Conduct annual employee mode share surveys and driveway counts to monitor progress towards a fifty-two percent (52%) drive alone mode share goal.
- B. Additional measures not listed in this section may be applied at the City's discretion.
- C. The City may reduce the requirements of this section or chapter if a project is shown to attain VMT values consistent with local, regional, or state goals without implementation of all measures required herein.

2.8 Submittal Requirements & Approvals Process (10.52.080)

- A. Submittal Requirement. The following TDM documentation shall be submitted with any discretionary planning permit application and/or building permit application:

1. TDM Checklist (all Tiers);
 2. (Tier 3 projects only) TDM plan, including:
 - a. A letter documenting the project's proposed trip reduction measures consistent with the requirements identified in Section 2.7 (10.52.070);
 - b. An annotated site plan that designates trip reduction design elements; and
 - c. Property owner certification that the required measures will be implemented and maintained per Section 2.6 (10.52.060) and monitored per Section 2.9 (10.52.090).
 3. (If applicable) Tenant concurrence letter demonstrating acknowledgement and cooperation with the proposed trip reduction measures, including:
 - a. Tenant certification that applicable trip reduction measures are identified in their lease; and
 - b. A summary of how the tenant is implementing applicable TDM measures.
 4. Additional documentation not listed above may be required at the discretion of the City.
- B. Approvals Process. The Community Development Director shall review the documentation required pursuant to subsection A of this section and determine if the proposed TDM program includes all required TDM measures and is adequate to achieve the relevant performance target for the Project.

2.9 Monitoring & Enforcement (10.52.090)

All projects are subject to the following monitoring and enforcement process:

- A. Initial Compliance Report. Prior to building permit issuance, all projects must submit an initial compliance letter to the Community Development Director documenting trip reduction measures and how their TDM program will be implemented.
- B. Annual Compliance Report. All projects, unless excepted under subsection 10.52.060.B.1, are required to submit an annual compliance report documenting the continued implementation of TDM measures pursuant to the requirements contained within Section 2.6 (10.52.060) to the Community Development Director.
 1. Tier 2 and Tier 3 Projects. Annual Compliance Reports shall include results from surveys and driveway counts pursuant to subsection Section 10.52.060.A.2.
 2. Tier 3 Projects. Tier 3 projects that do not achieve the target drive alone mode share prescribed under subsection 10.52.060.A.3 shall include proposed changes to their TDM Program to further reduce VMT and vehicle trips with the Annual Compliance Report.
- C. Penalty for Noncompliance. The violation of any provision of this chapter is unlawful, hereby declared to be a public nuisance, and shall be subject to the following:
 1. All projects. Failure to submit the required annual compliance report prescribed under subsection B, or submission of an incomplete annual compliance report, shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.
 2. All projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.

3. Tier 3 Projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) and/or if the target mode share is not being achieved shall result in the following penalties
 - a. First Violation. The City will direct the participant to modify its TDM program to achieve compliance.
 - b. Second Violation. The City will direct the participant to coordinate with Commute.org, or successor agency, or retain an independent consultant to identify additional program modifications to achieve compliance.
 - c. Third Violation. The City shall assess a fine per a City Council approved resolution. Fines shall be assessed for each additional violation in subsequent years.
- D. Appeals. Any person receiving a notice of violation or correction issued under this chapter may file a notice of appeal with the city clerk within ten (10) days after receipt of the notice to challenge the determination that a violation occurred, that corrective action is necessary, or in the case of a fine imposed on the owner of a Tier 3 project, the amount of the fine.
 1. The city manager, or designee, shall conduct an administrative hearing within thirty (30) days after the filing of the appeal. With the consent of the appellant, the matter may be continued if additional time is needed for the city manager to evaluate the appeal.
 2. The city manager, or designee, shall render a written decision within ten (10) days after the conclusion of the hearing and may affirm, reverse or modify the determination whether there has been a violation, whether corrective action is necessary, and/or the amount of the fine. The city manager, or designee, may consider whether the participant has made a good faith effort to achieve the required alternative mode use.
 3. The decision of the city manager, or designee, shall be final.

Appendix A: TDM Ordinance Implementation

3.1 Consistency with C/CAG Guidelines

The City's TDM Ordinance builds upon C/CAG's countywide approach while tailoring requirements to the City of Brisbane. C/CAG's TDM Policy Implementation Guide states that member jurisdictions may request an exemption to C/CAG's policy provided that it meets or exceeds a single-occupancy vehicle (SOV) trip reduction of 25 percent for transit-oriented development and small residential projects and 35 percent for all other land use types. By achieving a SOV mode share of 73 percent (small projects) or 67 percent (large projects), traffic may be sufficiently addressed and consistent with the Congestion Management Program (CMP).² This section describes the consistency of the ordinance with C/CAG's approach.

Table A summarizes the similarities and differences between C/CAG and proposed City requirements. Office/R&D projects, which comprise the primary generator of peak period commute trips and vehicle miles traveled in the City, would achieve a higher non-auto mode share under the City's TDM Ordinance than C/CAG's recommendations (52 percent drive alone, compared to 67 percent to 73 percent under C/CAG)³. Tier 3 Office/R&D projects would also be subject to more frequent surveys, vehicle counts, and enforcement.

² The C/CAG CMP program and the Brisbane TDM Strategy use two different methods of accounting for percentage reductions. Under the C/CAG CMP, reductions are taken from a presumed 100% drive alone mode share and consistent with C/CAG's checklist of trip reduction percentage, while reductions in Brisbane are based on actual rates of driving within the City. Comparisons between the two programs should focus on the target drive alone mode share rates.

³ As discussed in the Monitoring & Enforcement section, drive alone trips would also include trips by motorcycle, dropped off by a friend/family member, dropped off by Uber, Lyft, taxi, etc., or non-responses

Table A: C/CAG vs. City of Brisbane Performance & Monitoring for Nonresidential Uses

Sample Land Use (Tier)	C/CAG			City of Brisbane		
	Drive Alone Mode Share	Monitoring	Enforcement	Drive Alone Mode Share	Monitoring	Enforcement
Office/R&D and any other developments with significant impacts to VMT (Tier 3)	67%-73%	Biennial/ triennial surveys for first 18 years	Voluntary Revisions to TDM Program	52%	Annual surveys and counts for lifespan of project	Fines for Failing to Submit Required Monitoring and Annual Reports Mandatory revisions to TDM Program if goal not achieved Fines for failing to achieve performance target of 52% drive-alone mode share for three years
Other employment uses with less-than-significant impacts to VMT (Tier 2)	67%-73%	Biennial/ triennial surveys for first 18 years	Voluntary Revisions to TDM Program	52%	Annual surveys for the first 20 years	Fines for Failing to Submit Required Monitoring and Annual Reports
Other non-residential uses (e.g., retail and hotel) with less-than-significant impacts to VMT (Tier 1 & 2)	67% - 73%	Biennial/ triennial surveys for first 18 years	Voluntary Revisions to TDM Program	52%	None (Projects may be subject to C/CAG monitoring)	Voluntary Revisions to TDM Programs

Tier 1 and 2 nonresidential uses, such as retail or hotel developments, would be subject to the same performance standards as C/CAG's recommendations, but would not be subject to annual monitoring by the City unless found to have a significant impact to VMT during environmental review. The City arrived at this recommendation due to the role of such land uses in reducing vehicle miles traveled and supporting multimodal travel behavior in Brisbane:

- In its *Technical Advisory on Evaluating Transportation Impacts in CEQA*, the State of California's Office of Planning and Research states that "of land use projects, residential, office, and retail projects tend to have the greatest influence on VMT" and among retail uses, "local-serving retail development tends to shorten trips and reduce VMT."⁴
- Data from the California Household Travel Survey suggests that for Brisbane residents, only about 39 percent of all trips by residents occur via driving alone, which suggests that most retail and service land

⁴ *Technical Advisory on Evaluating Transportation Impacts in CEQA*, State of California Office of Planning & Research, 2018 https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf

uses within the City are already within the C/CAG's mode share standard (33 percent of trips occur via carpooling, 25 percent via walking, two percent via transit, and two percent via biking and other modes).

- The major geographic barriers that separate the City from neighboring communities suggest that increasing the amount of local-serving retail, hotel, and other commercial and service uses would result in fewer and shorter vehicle trips and lower VMT than if included elsewhere.

For these reasons, the City's ordinance would not subject Tier 1 and Tier 2 local-serving nonresidential uses to annual surveys, or potential enforcement, and instead focus limited staff resources on more stringent enforcement of Tier 2 and Tier 3 employment land uses.

Tier 1 residential uses would be held to similar performance standards and monitoring as C/CAG's recommendations. Existing data from the California Household Travel Survey suggests that residential land uses have a lower drive alone mode share than C/CAG's mode share target (Table B). The City would require an annual self-certification instead of biennial for the first six years after occupancy.

Table B: Residential Performance Targets (Tier 1)

Criteria	C/CAG	Brisbane	
	Recommendations	Existing	Proposed Targets
Vehicle Trip Reduction	-25% (TOD) -35% (Other)	N/A	<i>Same as C/CAG</i>
Drive Alone Mode Share (All Trips)	67%-73%	38% (All Trips) ¹	<i>Same as C/CAG</i>
Monitoring Approach	Biennial self-certification for first six years	N/A	Annual self-certification form for the first six years

Sources: ¹California Household Travel Survey, 2012

3.2 List of TDM Measures

The following measures shall be required for each project tier, unless subject to specific exemptions:

Table C: Required TDM Measures by Project Tier

TDM Measure	Tiers Required	Description
A. Designated TDM Coordinator	1, 2, 3	Provide a TDM coordinator or contact person and annually confirm the contact's name, email, and phone number with the City. This individual may either be an employee of the property manager/employer, or may be a contracted through a third-party provider. The TDM coordinator shall provide oversight and management of the program's implementation to the City of Brisbane. Tenants shall be obligated (via lease language) to provide a main point of contact for the Designated TDM Coordinator.
B. Participation in Commute.org and/or Transportation Management Association	1, 2, 3	<p>Sites shall partner with Commute.org (or a successor transportation management association with comparable TDM services), whose role is to coordinate transportation-related programs and services in specific geographic areas.</p> <p>For non-residential projects, there are four components an applicant must fulfill to satisfactorily implement this measure:</p> <ol style="list-style-type: none"> 1. Obtain and maintain certification of participation with Commute.org under their Certified Development Program, or equivalent successor program. 2. Provide commute assistance and ride-matching program 3. Provide Guaranteed Ride Home 4. Supply orientation, education, and promotional programs and/or materials for tenants
C. Bicycle and Pedestrian-Oriented Site Access	1, 2, 3	Design project frontage, driveways, and any internal streets or pathways to provide travel choices and give people the option to avoid traffic congestion, increasing the overall capacity of the transportation network. Street designs shall enable safe access for all users of all ages and abilities. Improving pedestrian and cyclist safety and comfort can increase the use of active transportation for residents or employees of a project site. Examples of this access may include non-motorized pathways internal to the project, orienting the project's main entrance toward an active transportation or transit facility, and minimizing site access barriers along paths of bicycle and pedestrian travel such as driveways, surface parking lots, loading docks, unmarked crosswalks, and meandering sidewalks.
D. Bicycle Parking	1, 2, 3	Provide safe and convenient bicycle parking as required by Section 17.34.070.
E. Bicycle, Pedestrian, and Transit Infrastructure Upgrades	1, 2, 3	Project shall provide offsite upgrades to pedestrian, bicycle, and/or transit infrastructure along its public frontage upon City request to achieve consistency with the City's Circulation Element, other City plans, design guidelines, and/or best practices.
F. TDM Monitoring Checklist	1, 2, 3	Project shall complete an annual TDM program self-certification form. Tier 1 residential projects shall complete the form annually for the first six years (Tier 1 and Tier 2 local serving, non-residential projects (hotel and retail) are exempt from annual reporting but must still file an initial self-certification). Tier 2 projects (employment uses, i.e., other than retail) shall complete the form annually for the first 20 years. Tier 3 projects shall complete the form annually for the project's lifespan.

TDM Measure	Tiers Required	Description
G. Shuttle Participation	2, 3	Participate in funding consortium for Commute.org shuttle service based on fee structures reflecting project size and proximity to shuttle service, as developed by Commute.org.
H. Pre-Tax Commuter Benefits	2, 3	Offer pre-tax commuter benefits available to all employees, allowing withholding of pay on a pre-tax basis to fund transit costs. This may be in the form of cash value on a Clipper card, Caltrans passes, Samtrans passes, or any other eligible public transit network.
I. Annual Employee Mode Share Survey	2, 3	Conduct annual employee mode share surveys.
J. Encourage Telecommuting & Flexible Work Schedules	3	Encourage employees to work remotely at least one day per week to reduce overall vehicle trips. When employees commute to work, encourage flexible work schedules that encourage travel outside of peak hours.
K. Right-Size Parking Supply	3	Total project parking supply must not exceed City parking maximums (if applicable).
L. Shuttle Commitment (Sierra Point Only)	3	If located in Sierra Point Subarea, provide a fair share financial contribution toward a Commute.org shuttle proposed to achieve 15-minute frequencies for BART and Caltrain service during peak periods (approximately six hours per day from 7:00 AM to 10:00 AM and 4:00 PM to 7:00 PM). Contribution may be shared with other participants but must be sufficient to achieve service goal upon reaching 50 percent of building occupancy.
M. Carpool/ Vanpool Programs and Parking	3	Carpooling and vanpooling are types of ridesharing that seek to allow vehicles to carry additional passengers when making a trip, with minimal additional mileage. Carpooling generally uses participants' own automobiles. Vanpooling generally uses leased vans (often supplied by employers, non-profit organizations, car rental businesses, or government agencies). Carpool and vanpool programs shall include subsidies or other monetary incentives from employers (e.g., gas card after carpooling for a given amount of time, or parking subsidies for carpools), as well as ride-matching services to help facilitate these shared trips.
N. Paid Parking or Parking Cash-out	3	<p>Motorists pay directly for using parking facilities (paid parking), or employers offer cash equivalents to the cost of leasing a parking space to employees who do not receive a parking permit (parking cash-out).</p> <p>For paid parking, parking rates shall be at the market rate (minimum \$5 per day) and not subsidized by property owners or employers. Paid parking can result in more efficient use of parking facilities, address specific parking problems, ensure that parking is available for intended users, and reduce total parking requirements.</p> <p>If an employer provides free parking as a benefit to employees, they can instead offer "cash-out" in the form of the equivalent value of the parking space directly to an employee. If the employer leases parking, the cash-out amount shall be equivalent to the cost per space for the employer to lease parking for employees. If the employer owns and manages its own parking facilities, the cash-out value shall be determined based on market rate parking at nearby locations.</p>

TDM Measure	Tiers Required	Description
O. Transit Pass Subsidies	3	<p>Offer public transit passes or subsidies equivalent to the IRS monthly commuter benefit maximum (\$280/month in 2022) to incentivize transit use. This may be implemented through either a direct voucher program provided by the property manager, or through lease terms obligating employers at the site to provide said subsidies.</p> <p>NOTE: Funding contributions towards and/or participation in Commute.org shuttle program does not count for this measure. Passes/subsidies provided must be valid for public transportation options, including but not limited to: BART, Caltrain, SamTrans, ferry, and vanpool subscription (or costs). Subsidies shall be administered through a pre-tax transit benefit program, allowing employees to fully fund their transit use with pre-tax dollars if they opt to. In the Bay Area, the Bay Area Air Quality Management District (BAAQMD) requires that employers with 50+ employees within the Air District provide commuter benefits and annual employer registration.</p>
P. End-of-Trip Bicycle Facilities	3	<p>In addition to required bicycle parking pursuant to Section 17.34.070, office, industrial, warehouse, and research & development projects shall offer showers, changing rooms, and lockers. These amenities serve as end of trip facilities for employees arriving by bike or other active transportation forms. Providing employees with a place to shower, change and store clothes can encourage bicycle commuting. Such facilities may be incorporated into a gym or wellness center for broader employee use.</p> <p>These projects shall also offer a bicycle repair station including a toolkit and air pump within a designated secure area of a building to encourage bicycling and support employees and residents. Tools and supplies can include those necessary for fixing a flat tire, adjusting a chain, and performing other basic bicycle maintenance. Maintenance services can also be offered to each resident or employee at least once annually, covering basic services such as a tune-up and inspection at a local bicycle shop.</p>
Q. Enhanced Monitoring: Survey & Counts	3	<p>Project shall conduct an annual survey of employees to determine rates of automobile use. The City shall identify standard survey requirements for participants in the program and prescribe eligible weeks in which mode share surveys may occur. Generally, surveys should occur during a week in September or October when there isn't a holiday. The survey shall be administered by the participant's designated TDM coordinator.</p> <p>The Project will also engage a qualified consultant to conduct annual driveway counts at all project driveways and report total daily vehicle trips, AM peak hour vehicle trips, and PM peak hour vehicle trips.</p>

3.3 TDM Checklists and Plans

The primary mechanism by which the City reviews compliance with the TDM Ordinance is through submittal of a completed TDM Checklist as part of a letter of compliance included in the application package. The checklists are intended to indicate the types of TDM measures that will be put in place at a given project, while the letter should include a commitment to provide required measures, specify selection of optional measures, and detail how the measures will be implemented or how measures may differ from the standard definition.

For Tier 1 and Tier 2 projects, submittal of a completed checklist and letter of compliance will be considered sufficient in most cases. Tier 3 projects should prepare and submit a brief TDM plan. Recommended contents of a TDM Plan for Tier 3 projects include:

- Summary of existing transit, bicycle, and pedestrian conditions near the project site
- Identification of the nearest shuttle stop or other transit facilities, and documentation of the proposed shuttle operator (if applicable)
- Identification of proposed offsite improvements and description of how these improvements would support mode shift (if applicable)
- Identification of the proposed TDM coordinator, or description of how the TDM coordinator role will be fulfilled
- Acknowledgement of City's required monitoring practices

TRIP REDUCTION MEASURES CHECKLIST

All projects subject to the requirements of this chapter shall implement all the required measures per the applicable tier of compliance prescribed in this section and/or contained within the City of Brisbane's Transportation Demand Management Strategy document or successor TDM document. Additional measures not listed in this section may be applied at the City's discretion. (BMC §10.52.070)

TIER 1 MEASURES (ALL THE FOLLOWING APPLY):		SHEET/PAGE #
<input type="checkbox"/>	Designate a dedicated TDM Coordinator to serve as point person of the project and engage in regular marketing activities, including sharing information on transportation alternatives.	
<input type="checkbox"/>	Participate in Commute.org trip reduction programs.	
<input type="checkbox"/>	Provide bicycle and pedestrian-oriented site access.	
<input type="checkbox"/>	Provide bicycle parking per city code.	
<input type="checkbox"/>	Provide upgrades to pedestrian, bicycle, or transit infrastructure along the Project's frontage as requested by the City.	
<input type="checkbox"/>	TIER 1 PROJECTS SHALL COMPLETE AN ANNUAL SELF-CERTIFICATION REPORT FOR A DESIGNATED TIME PERIOD AS REQUIRED BY BMC §10.52.060.	
TIER 2 MEASURES (ALL TIER 1 MEASURES PLUS ALL THE FOLLOWING APPLY):		
<input type="checkbox"/>	Provide financial contributions toward Commute.org's shuttle operations consortium, or successor organization designated by the City, at a level to be specified by Commute.org (or successor organization designated by the City) based on project's size and proximity to shuttle service.	
<input type="checkbox"/>	Provide pre-tax commuter benefits to employees.	
<input type="checkbox"/>	Conduct annual employee mode share surveys for informational purposes.	
<input type="checkbox"/>	TIER 2 PROJECTS SHALL COMPLETE AN ANNUAL SELF-CERTIFICATION REPORT FOR A DESIGNATED TIME PERIOD AS REQUIRED BY BMC §10.52.060.	
TIER 3 MEASURES (ALL TIER 1 AND TIER 2 MEASURES PLUS ALL THE FOLLOWING APPLY):		
<input type="checkbox"/>	Encourage telecommuting and flexible work schedules.	
<input type="checkbox"/>	Right-size parking supply within City required maximums per BMC Chapter 17.34 .	
<input type="checkbox"/>	If located within the SP-SCRO Zoning District, provide a fair share financial contribution toward a Commute.org shuttle service (or successor organization designated by the City) proposed to achieve a peak period frequency of 15 minutes or better to BART and Caltrain.	
<input type="checkbox"/>	Provide a subsidized carpool and vanpool program.	
<input type="checkbox"/>	Provide parking cash-out or implement paid parking on-site.	
<input type="checkbox"/>	Provide transit subsidy benefits up to the IRS maximum amount.	
<input type="checkbox"/>	Provide access to end-of-trip bicycle facilities including showers, lockers, and a bicycle repair station on-site, or within 100 yards of the site.	
<input type="checkbox"/>	Conduct annual employee mode share surveys and driveway counts to monitor progress towards a fifty-two percent (52%) drive alone mode share goal.	
<input type="checkbox"/>	TIER 3 PROJECTS SHALL COMPLETE AN ANNUAL SELF-CERTIFICATION REPORT FOR A DESIGNATED TIME PERIOD AS REQUIRED BY BMC §10.52.060.	

October 2023

3.4 Tenant Concurrence Letter

Although a development's TDM Plan would typically be prepared by a property owner or manager, successful implementation relies on tenants. A tenant would be required to prepare a concurrence letter prior to the approval of a permit for tenant improvements summarizing how it will implement applicable TDM measures in coordination with the property owner/manager. The concurrence letter should include a contact person for the employer, who shall assume responsibility for implementing the relevant programs (if different from the TDM coordinator). The City shall receive and review this letter to confirm the implementation of the proposed TDM program.

3.5 Monitoring

3.5.1 Annual Compliance Report

All projects will be monitored through submittal of an annual compliance report that documents the implementation of required TDM measures. Tier 1 projects must submit this report annually for the first six years after occupancy; Tier 2 projects must submit this report annually for the first 20 years after occupancy; and Tier 3 projects must submit this report annually for the lifespan of the project. Tier 1 and Tier 2 local-serving, nonresidential projects, while required to submit an initial compliance report, are exempt from submitting annual compliance reports

3.5.2 Survey & Count Methods

In addition to filing a compliance report, Tier 3 projects must also monitor progress towards the City's mode share goals, and share results from driveway counts and an annual mode share survey.

Participants have two options in administering a mode share survey:

1. Administer a statistically valid survey to achieve a 90 percent confidence level with a three percent margin of error for the survey population. Documentation of the survey methods and calculations would be provided by an independent consultant.
2. Administer a general survey with a minimum response rate of 75 percent of the employee population.

Sample surveys are available from the City, and an example is included in section 4.5.3 below.

In addition to surveys, Tier 3 projects must also conduct driveway counts of vehicle trips once per year. Counts may be conducted using either tube or video counts, and should cover the AM and PM peak periods for one week. The weekday average will then be presented to the City as part of the site's annual compliance.

In all instances, participants in the program must provide raw data to the City as part of their compliance package, including:

1. Respondent-level survey response data (anonymized)
2. Trip count data as delivered by the contractor providing the counts for each location, with data separated into 15-minute increments or smaller.
3. Current employee population and building gross square footage

Survey results should be provided to the City in a standardized format as specified by staff. Formatted reports are optional but not required.

3.5.3 Standardized Survey Language

The following standardized survey language is recommended for conducting all mode share surveys. The City may consider additional modifications to align its surveys with C/CAG & Commute.org's countywide approach. Previously approved projects would also use this standardized survey language.

1. Which of the following best represents your employment at [location]? (check one)

- ☐ Full-time Employee
- ☐ Part-time Employee
- ☐ Contract Employee

2. In what ZIP code is your home located? (enter 5-digit ZIP code; for example, 94901)

____ [Fill in the blank] _____

- ☐ Prefer Not to Answer
 - ☐ *If prefer not to answer:* Approximately how many miles is it from your home to your office in Brisbane?

3. In the past week, what time did you usually arrive to work (check one)?

____ [Drop down in increments of 30 minutes, from 6 AM – 10AM, before 6AM, or after 10AM] _____

4. In the past week, what time did you usually leave work (check one)?

____ [Drop down in increments of 30 minutes, from 3 PM – 7PM, before 3PM, or after 7PM] _____

5. In the past week, on which days did you use each of the following transportation modes to travel to work? If you used more than one mode, (e.g. you take Caltrain and then bicycle), identify the mode that was the longest part of your trip.

Transportation Mode	Monday	Tuesday	Wednesday	Thursday	Friday
Drove a car or motorcycle alone					
Rode as a carpool passenger					

Drove a carpool with one or more other adults					
Vanpooled or Carpooled with 6 or more people					
Rode a bus, train, ferry, or other public transit					
Rode a Bicycle or Scooter					
Walked all the way					
Dropped off by a friend/family member					
Dropped off by Uber, Lyft, taxi, etc.					
Worked from home / telecommuted / worked offsite					
Did not work this day					
Other (please specify)					

6. [Only ask if respondent answered transit] Which of the following services did you use last week? (Check all that apply)

- ☐ Caltrain
- ☐ BART
- ☐ SamTrans
- ☐ Ferry
- ☐ Shuttle (such as to/from BART, Caltrain, or ferry)
- ☐ Express bus (point-to-point service from near my home)

7. [Only ask if respondent answered carpool or vanpool] If you travel by carpool or vanpool, how many total people traveled with you to work (not including yourself)?

____ [Fill in the blank with number]

8. [Only ask if respondent answered drive alone] What is the primary reason you choose to drive alone?

____ [Fill in the blank]

Note: In addition to required survey questions, individual site surveys may add their own questions tailored to their respective TDM programs regarding awareness of services and reason for mode choice, but these questions are not required.

3.5.4 Analysis of Results

To calculate drive alone mode share, City staff would sum the total number of trips completed via the following modes:

- Drove a car alone
- Dropped off by a friend/family member (excluding carpools)
- Dropped off by Uber, Lyft, taxi, etc.
- Non-responses required to achieve required response rate

If the sum of these commute modes exceeds the mode share target (52 percent), the project would be in compliance with its target.

For Tier 3 projects, driveway counts will be used as a secondary source of monitoring information. Count volumes would be compared to the peak-period, peak-direction traffic volumes presented in the Project's relevant transportation analysis or EIR.

3.5.5 Enforcement Fines

The City should administer fines for non-compliance via code enforcement. Fines should be used to fund the operation of transportation services in Brisbane that improve mobility for residents in need, reduce vehicle trips, and reduce VMT. Previously approved projects would be held to the same standard for noncompliance.

All projects should be subject to the City's existing fines, penalties, and enforcement provisions set forth in Chapters 1.14, 1.16, and 1.18 of the BMC for failure to either submit an annual compliance report or submission of an incomplete report or to implement and maintain trip reduction measures required under the Ordinance. For offenses committed by larger, Tier 3 projects, each participant should be allotted two violations, with opportunity to correct, before triggering their first fine. Fines should then be administered for each subsequent year of non-compliance after the third violation.

While the fine amount for these larger, Tier 3 projects is yet to be determined and may change year to year, for illustrative purposes, four fine levels were evaluated, to be assessed at a rate dependent on the size of the employer: \$50 per employee, \$100 per employee, \$150 per employee, and \$200 per employee. The basis for these fine levels is Mountain View's North Bayshore employee tax, which taxes all employers of a certain size between \$75 to \$150 per employee to fund transportation services. For a 400,000 square foot life science campus with 1,000 employees, a \$50 per employee rate would equate to a fine of \$50,000 per year, while a \$200 rate would equate to a fine of \$200,000 per year.

3.6 Zoning Code Updates

3.6.1 Auto Parking Requirements for Office/R&D Uses

Aligning parking requirements with TDM performance targets would assist the City in realizing VMT reductions and mode shifts. As illustrated in Table D, City's current minimum requirement for (administrative) office use (one space per 300 square feet) provides enough parking for nearly every employee to drive. Moreover, for life science uses that typically have one employee for every 350 to 450 square feet, parking supply exceeds employee population.

Table D highlights the recommended parking maximums to align with TDM ordinance requirements. Parking maximums may be set slightly above the required drive alone mode share target to provide some flexibility in accommodating carpools, vanpools, visitors, and parking turnover. The City may also consider allowing additional designated visitor or carpool/vanpool parking.

Table D: Implied Auto Mode Share & Recommended Parking Maximums

Parking Spaces per 1,000 Square Feet	Office	Life Science Office/Lab Mix		Lab
	1 Employee per 250 SF	1 Employee per 350 SF	1 Employee per 450 SF	1 Employee per 550 SF
1	25%	35%	45%	55%
1.25	31%	44%	56%	69%
1.5	38%	53%	68%	83%
1.75	44%	61%	79%	96%
2	50%	70%	90%	100%
2.25	56%	79%	100%	100%
2.5	63%	88%	100%	100%
2.75	69%	96%	100%	100%
3.33 (Current Standard)	83%	100%	100%	100%

Notes: **Highlighting** indicates the estimated parking supply necessary to accommodate a 55 to 60 percent of employees driving to work based on employee densities associated with typical land uses. For example, a typical office project should target a maximum of two spaces per 1,000 square feet, while a life science project should target 1.25 to 1.5 spaces per 1,000 square feet. The City should exercise caution in referencing these calculations for office and tech office uses, as such employees are more likely to work remotely.

The City may consider allowing a higher rate of parking as a conditional use permit if a project expects to serve a higher employee density than a typical use. However, a project's parking supply should align with the designated land use: for example, a project proposed for office use should reflect the designated office maximum; if the applicant wishes to retain flexibility for either office or life science use, then two site plan alternatives should be prepared in alignment with the office and life science parking maximums.

Given the uncertainty of remote work trends emerging from the COVID-19 pandemic, the City should periodically monitor how onsite employee populations may change over time and reassess whether these maximums remain appropriate for such land uses.

3.6.2 Bicycle Parking Requirements for Residential and Other Uses

Currently, Brisbane does not require residential projects to provide bicycle parking. As more multi-family housing is constructed, the City may wish to update its bicycle parking requirements to include minimum long-term bicycle parking facilities (secure shared facilities or lockers) for multifamily developments where units do not have dedicated private garages. The bicycle parking requirements in the Baylands Specific Plan (Table E) provides a good example of what may be adopted for multi-family residential and other uses. Providing bicycle parking in multifamily projects can help enhance the viability of bicycle use within the City.

Table E: Proposed Baylands Specific Plan Bicycle Parking Requirements

Use	Bicycle Parking Requirements	
	Long Term	Short Term
Retail	1 per 12,000 square feet	1 per 4,000 square feet
Parks and Open Space	N/A	6 per acre
Multifamily Residential	1 per 2 units	1 per 10 units
Office	1 per 4,000 square feet	1 per 40,000 square feet

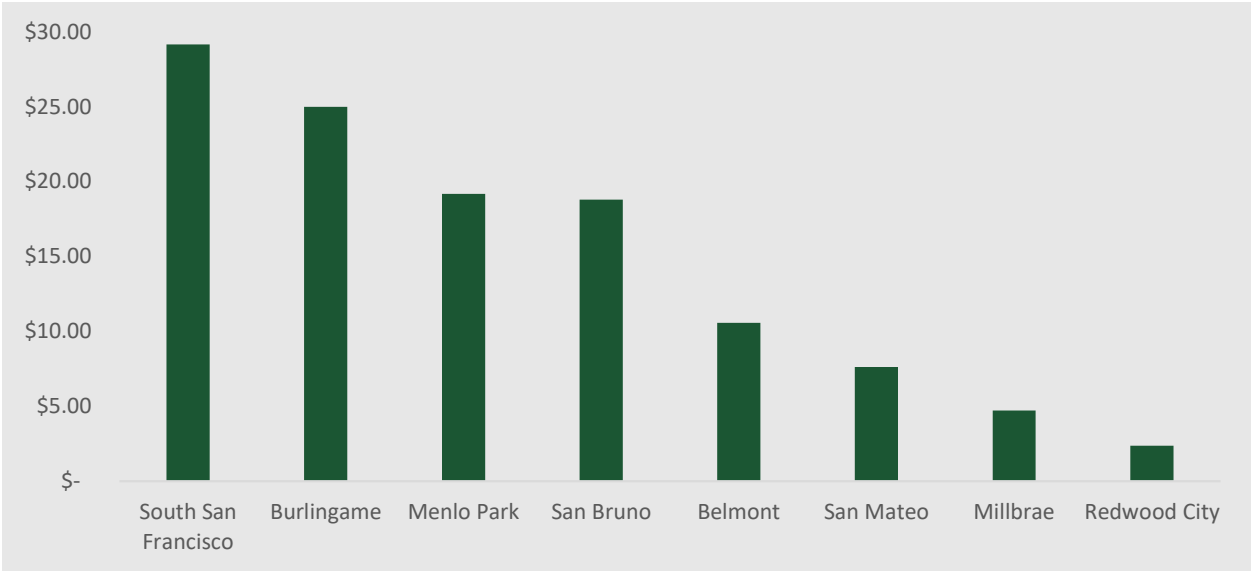
3.7 Potential Citywide Impact Fee

3.7.1 Transportation Impact Fee

Brisbane's substantial development pipeline and unique infrastructure needs may warrant consideration of a new transportation impact fee. Transportation impact fees standardize the contributions of developments for potential infrastructure improvements to help ensure that developments are paying their fair share. A nexus study is required to set an impact fee in relation to capital improvement needs. Impact fees may be enacted with council approval and do not require voter approval like some other funding mechanisms, such as headcount taxes, parcel taxes, business improvement districts, or community facilities districts.

As illustrated in Figure 1, most cities in San Mateo County have transportation impact fees for office/R&D projects. Fees vary from \$2 to \$29 per square foot, equivalent to \$2 million to \$29 million for a one million square foot development. The highest fees in the county occur in South San Francisco, which covers the southern portion of Sierra Point and shares similarities in its growing life science market and evolving transportation conditions.

Figure 1: Impact Fee Comparison, 2022 (\$ per Square Foot)



Note: Two cities not shown have per-trip fees (San Carlos & East Palo Alto), while Daly City has no fee.