



CITY of BRISBANE

City Council Meeting Agenda

Thursday, February 2, 2023 at 7:30 PM • Hybrid Meeting 50 Park Place, Brisbane, CA

Agenda Amended 1/30/23

This meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for the public, staff and Councilmembers, while allowing for public participation. Accordingly, the public may observe City Council meetings and/or address the Council using remote public comment options or have the option to attend City Council meetings in person. Please be advised that City Council members may continue to participate in the meeting remotely. The 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

Masks are no longer required but are highly recommended in accordance with California Department of Health Guidelines. To maintain public health and safety, please do not attend in person if you are experiencing symptoms associated with COVID-19 or respiratory illness.

To address the City Council on any item on or not on the posted agenda, fill out a Request to Speak Form located in the Community Meeting Room Lobby and submit it to the City Clerk.

REMOTE PARTICIPATION

Members of the public may observe/participate in the City Council Meeting by logging into the Zoom Webinar listed below. City Council Meetings can also be viewed live and/or on-demand via the City's YouTube Channel, www.youtube.com/brisbaneca, or on Comcast Channel 27.

Archived videos can be replayed on the City's website, <http://brisbaneca.org/meetings>. Please be advised that if there are technological difficulties, the meeting will nevertheless continue.

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

Remote Public Comments:

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

Email: ipadilla@brisbaneca.org 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

SPECIAL ASSISTANCE

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

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

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

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

ROLL CALL

ADOPTION OF AGENDA

AWARDS AND PRESENTATION

- A. Proclamation Recognizing Black History Month

ORAL COMMUNICATIONS NO. 1

CONSENT CALENDAR

- B. Approve Minutes of City Council Special Meeting of January 12, 2023
- C. Approve Minutes of City Council Meeting of January 19, 2023
- D. Approve Resolution Amending the Current Firefighter and Firefighter/Paramedic Job Description
- E. Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely or in a Hybrid Fashion Due to Health and Safety Concerns for the Public

PUBLIC HEARING

- F. Self-certification and Adoption the 2023-2031 Housing Element via a Resolution and Finding These Actions Categorically Exempt from Environmental Review Under CEQA under CEQA Guidelines Sections 15061(b)(3) and 15183(d)

(It is being recommended to adopt the 2023-2031 Housing Element of the General Plan, including proposed goals, policies and programs to promote the construction, rehabilitation and conservation of housing throughout the eight-year planning period consistent with the provisions of State law. The Draft Element identifies sites that are currently zoned or planned to be rezoned to meet State-mandated housing projections (Regional Housing Needs Allocation, or RHNA) for Brisbane over the 2023-2031 planning period.)

NEW BUSINESS

- G. Consider Approval Moving Forward with the Center for Age Friendly Excellence's assistance to apply for the Age Friendly Communities certification under the AARP/WHO Network of Age Friendly Communities
- H. Consider Approving a Resolution for the 2023 California Climate Investments (CCI) Fire Prevention Grant funding opportunity through CAL FIRE for vegetation management and wildfire preparedness.

STAFF REPORTS

- I. City Manager's Report on Upcoming Activities

MAYOR/COUNCIL MATTERS

- J. Request from Commercial /Applicant/property owner to meet the Mayor and City Manager
- K. Countywide Assignments and Subcommittee Reports
- L. Written Communications

ORAL COMMUNICATIONS NO. 2

ADJOURNMENT

B.

File Attachments for Item:

B. Approve Minutes of City Council Special Meeting of January 12, 2023



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL SPECIAL MEETING

THURSDAY, JANUARY 12, 2023

VIRTUAL MEETING

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Davis called the meeting to order at 4:55 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Communications Manager Cheung, and Administrative Analyst Ibarra

ADOPTION OF AGENDA

Councilmember Cunningham made a motion, seconded by Councilmember Lentz, to adopt the agenda as it stands. 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 COMMENT

Michael Barnes asked why is there a delay in the Crocker Trail EIR? This work should be a priority for the City.

Nancy Lacsamana commented to stop spreading lies and rumors about Cliff Lentz

Michele Salmon commented that she was proud of the City's response during the multiple storms that hit the City.

City Clerk Padilla also noted for the record that the following correspondences were received:

Linda Dettmer (1/12/23) For the Council Meeting Tonight

Dana Dillworth (1/12/23) Comments on the Housing Element

Patrick Tainter (1/11/23) Written Comments for Council Meeting January 12, 2023

Juanita Yee (1/11/23) Council Members

CONSENT CALENDAR

- A. Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public
- B. Adoption of a Resolution Confirming and Ratifying the Proclamation Declaring the Existence of a Local Emergency in the City of Brisbane in Response to Rain Storm of December 31, 2022 and Continuing the Existence of the Local Emergency

Councilmember Mackin made a motion, seconded by Councilmember O'Connell, to approve Consent Calendar Items A and B. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Jamesanne Dunn commented that she does not like having a disunited Council and asked them not to isolate Councilmember Lentz.

WORKSHOP

C. Council Discussion and Approval of County Assignments and Subcommittee Assignments

After some Council questions and discussion, an ad hoc subcommittee that will work on Committee/Commission acknowledgements and training will be added to list of assignments. The new members of this subcommittee are Councilmember Mackin and Lentz. Mayor Davis will be the alternate to the Peninsula Clean Energy JPA instead of City Manager Clay Holstine.

MAYOR AND COUNCIL MATTERS

D. Review City Council Meeting Schedule

Council approved the proposed meeting schedule for 2023.

E. Recruitment for Committee Seats

City Clerk Padilla will begin recruitment for available seats in the Public Art Selection Committee and the Inclusion, Diversity, Equity, and Accountability Committee until March 1, 2023. City Clerk Padilla will provide an update at the City

Council Meeting of March 2, 2023.

ADJOURNMENT

Mayor Davis adjourned the meeting at 5:42 P.M.

Ingrid Padilla, City Clerk

DRAFT

C.

File Attachments for Item:

C. Approve Minutes of City Council Meeting of January 19, 2023



BRISBANE CITY COUNCIL**ACTION MINUTES**

CITY COUNCIL MEETING**THURSDAY, JANUARY 19, 2023***VIRTUAL MEETING***CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Davis called the meeting to order at 7:33 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Police Chief Macias, Assistant Fire Marshal Wittner, Communications Manager Cheung, and Administrative Analyst Ibarra

ADOPTION OF AGENDA

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

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

Noes: None

Absent: None

Abstain: None

AWARDS AND PRESENTATION

A. Proclamation Recognizing Lunar New Year

Mayor Davis proclaimed January 20, 2023, as the beginning of a fresh start to Lunar New Year. Former chair of the Inclusion, Diversity, Equity and Accountability Committee William Lok accepted the Proclamation on behalf of the IDEA Committee.

ORAL COMMUNICATIONS NO. 1

Paul Bouscal asked why the time limit to speak was now 2 minutes instead of 5 minutes and council do not respond to comments during Oral Communications. He also commented that council is not inclusive to Councilmember Lentz and former council candidate Anthony Walker. He is working on getting signatures to get city council term limits on the ballot.

After some clarifying questions with City Attorney McMorrow, Michele Salmon made a comment about her experience speaking during Oral Communications versus making public comment on an item on the agenda.

Paul Bouscal requested if the Council can place Council term limits on the ballot.

CONSENT CALENDAR

- B. Approve Minutes of City Council Special Meeting of December 8, 2022
- C. Approve Minutes of City Council Special Meeting of December 9, 2022
- D. Approve Minutes of City Council Meeting of December 15, 2022
- E. Accept Investment Report as of November 2022

Councilmember Mackin made a motion, seconded by Councilmember O'Connell, to adopt Consent Calendar Items B-E. 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

- F. Consider approval of a Memorandum of Understanding between the City of Brisbane and the San Mateo County Joint Powers Authority concerning the Brisbane History Collection and History Room Located in the Brisbane Library

Communications Manager Cheung reported that the MOU lays out the roles and responsibilities for the City and the Library system as it relates to the City's historical documents and the History Room.

After some council questions, Paul Bouscal commented that if someone donated an artifact and was not used in the display, the artifact should be returned to the donor.

After some Council discussion, Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to approve a Memorandum of Understanding between the City of Brisbane and the San Mateo County Joint Powers Authority concerning the Brisbane History Collection and History Room Located in the Brisbane Library as amended by the City Attorney based on the Council feedback for items #5, #7, and #14. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

G. Receive 2022 Annual Mandated Fire and Life Safety Inspections

Due to technical difficulties with staff presenter, this item was discussed after Item I.

Assistant Fire Marshal Wittner reported that the purpose of this item is to ensure the health and safety of the public through a mandated fire and life safety program. The California Health and Safety Code requires all fire departments including North County Fire Authority to perform and report annually inspections in every occupancy used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities.

North County Fire Authority is requesting the City Council of the City of Brisbane acknowledge fulfillment of the requirements of the in compliance with Health and Safety Code Sections 13146.2 and 13146.3, the North County Fire Authority reported findings on 52 occupancies: Educational Group E Occupancies: Total 2 and Residential Group R Occupancies: Total 50.

After some Councilmember questions Paul Bouscal asked if trees will also be inspected if they are dangerous, dead or a threat to infrastructure.

After Council discussion, Councilmember Lentz made a motion, seconded by Councilmember O'Connell, to acknowledge that North County Fire Authority has completed required annual mandated fire and life safety inspections within the City of Brisbane for 2022 The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

STAFF REPORTS

H. City Manager's Report on Upcoming Activities

City Manager Reported on the latest news and upcoming activities.

MAYOR/COUNCIL MATTERS

I. Countywide Assignments and Subcommittee Reports

Councilmembers reported on their countywide assignments and subcommittee activities. Councilmember Lentz announced he will be holding monthly office hours at the library.

J. Written Communications

There were no written correspondence received.

ORAL COMMUNICATIONS NO. 2

Paul Bouscal thanked our first responders for their work during the storm especially with helping the elderly homeowners. He is concerned about our senior population and he wants budgetary money set aside to help the elderly population.

ADJOURNMENT

Mayor Davis adjourned the meeting at 8:38 P.M.

Ingrid Padilla, City Clerk

D.

File Attachments for Item:

D. Approve Resolution Amending the Current Firefighter and Firefighter/Paramedic Job Description



CITY COUNCIL AGENDA REPORT

Meeting Date: February 2, 2023

From: Abby Partin, Human Resources Administrator

Subject: Approve Resolution Amending the Current Firefighter and Firefighter/Paramedic Job Descriptions

Community Goal/Result

Fiscally Prudent, Safe Community

Purpose

To continue to provide high level of service from the Fire Department and to ensure the community continues to receive excellent service by retaining and attracting exceptional employees in a financially prudent manner.

Recommendation

Approve Resolution amending the current Firefighter and Firefighter/Paramedic job descriptions to formalize the Firefighter II and Firefighter/Paramedic II job functions.

Background

On December 8, 2022, City Council approved the International Association of Firefighter's (IAFF) Memorandum of Understanding and pay scales that included the creation of the Firefighter II and Firefighter/Paramedic II positions to retain qualified employees and to provide a path for career advancement.

Discussion

On April 7, 2022, staff presented to the City Council broad concepts regarding working towards labor contracts with all of the staff bargaining groups. The goal was to create a labor contract that attracted a talented labor force to the City and created incentives for those employees to stay with the City throughout their careers. Through the course of negotiations, the IAFF labor representatives proposed creating a Firefighter II classification, a level between the Firefighter and Fire Captain, to provide training to current employees and ensure a seamless transition between the current two classifications. This new classification would fill the gap between the Firefighter and Fire Captain and would provide some supervisorial presence in the Fire Department when a Fire Captain is absent or otherwise unavailable.

Staff worked with the IAFF labor representatives in updating the current job descriptions in order to formalize the job duties and functions of the second, experienced level in the Firefighter and Firefighter/Paramedic classification series. The second level of both series will function as a working supervisor who commands a firefighting company in performing emergency and non-emergency tasks. Emergency tasks include those associated with receipt of an alarm, arrival at the scene, size up, search and rescue, fire extinguishing, ventilation, salvage, overhaul, and

emergency medical care. Non- emergency tasks include those associated with fire prevention inspections; pre-fire planning; directing the maintenance of equipment; monitoring, evaluating, and counseling firefighters; training; community service and relations; and overseeing the daily fire station routine and life.

On December 8, 2022, City Council approved the funds for the positions within these classifications. The compaction rate between the Firefighter I and Firefighter II is ten (10) percent.

	Step A	Step B	Step C	Step D	Step E
Firefighter & Firefighter/Paramedic	\$35.99	\$37.78	\$39.67	\$41.64	\$43.73
Firefighter II & Firefighter/Paramedic II	\$39.59	\$41.56	\$43.64	\$48.10	\$48.10

Fiscal Impact

The full cost of the new positions is incorporated in the Fiscal Year 2022-23 budget.

Measure of Success

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

Attachments

Resolution 2023-XX



Abby Partin, Human Resources
Administrator

Clayton L. Holstine
Clay Holstine, City Manager

RESOLUTION NO 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE AMENDING RESOLUTION 2001-11 TO INCLUDE THE CLASSIFICATIONS OF FIREFIGHTER II AND FIREFIGHTER/PARAMEDIC II IN THE CLASS SPECIFICATION MANUAL

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

WHEREAS, the City Manager has established the need for the new classifications of Firefighter II and Firefighter/Paramedic II; and

WHEREAS, the class descriptions for Firefighter II and Firefighter/Paramedic II were developed in cooperation with and have been approved by the City Manager; and

WHEREAS, this newly developed class descriptions for Firefighter II and Firefighter/Paramedic II meet the requirements established Rule 6.02b of the City of Brisbane Personnel Rules and Regulations for the Class Specification Manual.

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

The class descriptions for the classifications of Firefighter II and Firefighter/Paramedic II in Exhibit “A” are approved for inclusion in the Class Specification Manual.

Madison Davis, Mayor

I hereby certify that the foregoing Resolution No. 2023-XX was duly and regularly adopted at a regular meeting of the Brisbane City Council on February 2, 2023, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Ingrid Padilla, City Clerk

CITY OF BRISBANE

FIREFIGHTER I/II

Definition

Under general supervision of a Fire Captain, responds to fires, medical emergencies, hazardous materials incidents, rescues, and other emergency and non-emergency situations; participates in all other suppression, prevention, inspection, education and related activities to protect life and property; operates and maintains firefighting apparatus and equipment; performs fire station maintenance; serves in specialized departmental roles as assigned; provides information and assistance to the public; and performs related work as required.

Class Characteristics

Firefighter I is the working level in the fire service, qualified to perform all normal fire suppression, basic medical emergency, hazardous materials and other emergency response activities. Incumbents are expected to learn to drive and perform all engineering operations of the fire engine and all other vehicles and equipment prior to completion of the probationary period. Successful performance of the work requires a team-oriented individual who takes pride in serving the community, is flexible and a problem-solver, and is able to perform heavy physical work at potential risk to health and safety.

Firefighter II is the experienced-level class, capable of performing duties in the absence or in addition to the Fire Captain. In addition to the Firefighter I duties, this position can function as a working supervisor who commands a firefighting company in the performance of emergency and non-emergency tasks. Emergency tasks include those associated with receipt of an alarm, arrival at the scene, size up, search and rescue, fire extinguishing, ventilation, salvage, overhaul, and emergency medical care. In the absence of a Fire Captain, directs and ensures the efficiency of multi-company operations. Non-emergency tasks include those associated with fire prevention inspections; pre-fire planning; directing the maintenance of equipment; monitoring, evaluating, and counseling firefighters; training; community service and relations; and oversees the daily fire station routine and life.

This series is distinguished from Firefighter/Paramedic I/II series in that the latter is qualified to provide First Responder Paramedic medical services in addition to performing the full range of duties as a Firefighter I/II. It is further distinguished from Fire Captain in that the latter is the first supervisory level in this sworn class series.

Examples of Duties (Illustrative Only)

- Responds to fire alarms, emergency medical calls at the basic life support level, emergency rescues, hazardous materials incidents, public service calls or other incidents, which require the mitigation of circumstances that may threaten life or property.
- Drives and operates all fire equipment and locates the apparatus at the proper place at the scene.
- In a fire emergency, lays, connects, charges and uses supply lines and various water appliances to control and extinguish fires; places water curtains and performs ventilating and access maneuvers; uses foam and chemical extinguishers as required by the nature of the fire.
- Searches and rescues victims from buildings, motor vehicles, water hazards and other locations.
- Applies medical treatment and life support techniques within the scope of an Emergency Medical Technician (EMT); provides assistance to qualified paramedics, as directed; assists in the emergency transportation of patients.
- Contains, isolates and minimizes hazardous materials spills.
- Works closely with other emergency medical staff, police and public safety and fire personnel from other agencies; responds to mutual aid situations as required.
- Participates in investigations, clean-up, salvage and overhaul operations.

- Participates in the fire inspections of buildings and properties within the City on a regularly-scheduled basis.
- Maintains apparatus and vehicles in a clean and operable condition; performs minor maintenance and repair on equipment; reports the need for major repair.
- Maintains the station and living quarters in a clean and orderly condition; performs minor maintenance on facilities and station equipment.
- Participates in drills and training sessions.
- Develops and maintains effective working relationships with the community; presents a variety of educational and public services programs to children, youth and community groups.
- Performs and coordinates specific program or project areas, such as:
 - Hazardous materials, CPR and First Aid training;
 - Specialty apparatus acquisition and maintenance;
 - Uniforms and personal protective equipment acquisition and maintenance;
 - Communications equipment acquisition and maintenance;
 - City-wide extinguisher and medical supply program; and/or
 - Hydrant service and beautification.
- Prepares reports; prepares and maintains logs, records and accurate files.
- Performs other duties as assigned.

Qualifications

Knowledge of:

- Principles and practices of fire suppression, containment, rescue, clean-up and salvage.
- Principles and practices of providing emergency medical care at the EMT level.
- Practices and techniques of driving varied vehicles and operating a wide range of fire apparatus.
- Practices and techniques hazardous materials response, containment and clean-up.
- Basic maintenance practices for fire services vehicles, equipment and facilities.
- Applicable laws, codes and ordinances.
- Safety practices and equipment related to the work.
- Computer applications related to the work.
- Techniques of first aid and CPR.
- Techniques for dealing with and solving the problems presented by a variety of individuals from various socio-economic, cultural and ethnic backgrounds, in person and over the telephone, often in emergency or stressful situations.

Skill in:

- Performing fire suppression and associated rescue and salvage work in a safe and effective manner.
- Applying the mechanics of fire fighting and emergency medical care at an EMT level.
- Operating vehicles and apparatus safely and in conformance with department procedures and traffic laws.
- Dealing with hazardous materials incidents in conformance with department procedures.
- Making sound, independent decisions in emergency situations.
- Learning the geographic layout of the City and the surrounding areas and the location of various fire suppression utilities.
- Maintaining accurate records and clear and accurate reports and other written materials.
- Interpreting, applying and explaining complex codes, regulations and ordinances.
- Coordinating and carrying out special assignments.
- Understanding and carrying out oral and written directions.

- Entering information into a computer with sufficient speed and accuracy to perform the work.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.

Education and Experience:

Firefighter I: Equivalent to graduation from high school supplemented by possession of a valid EMT-Basic certificate and completion of an accredited pre-service or recruit Firefighter I Academy. Completion of two years of college level course work in fire technology or a related field and/or volunteer fire service experience are desirable.

Firefighter II: Completion of four years of service with the City; Acting Captain's training and exam process; and the State Fire Officers Certification courses by the end of the probationary period. In lieu of the required certifications, the incumbent may substitute with at least twenty (20) years of continuous service with the City with a minimum of ten (10) continuous years acting Captain experience during those years.

License:

Must possess a valid California class C driver license and have a satisfactory driving record.

Must obtain a valid California non-commercial class C driver license with firefighter "F" endorsement within 60 days of appointment. Must obtain an EMT-D certificate within six months of employment.

Working Conditions:

Must be willing to work 24-hour shifts as scheduled by the department and work with exposure to emergency circumstances, including exposure to hazardous materials and all weather conditions. Must be willing to pass a background investigation, including fingerprinting.

Physical Demands:

Must possess mobility and physical strength and stamina to respond to emergency situations and use all emergency apparatus and lift and move individuals or objects weighing more than 100 pounds; ability to work in a standard office setting and to operate a motor vehicles; vision to discern colors and assess emergency situations, including medical incidents, and to read printed materials and a computer screen; and hearing and speech to communicate in person and before groups in person and over the telephone and radio.

Approved Date: February 13, 2001
Resolution: 2001-11

Revised Date: February 2, 2023
Resolution:

Bargaining Unit: International Assoc. of Firefighters, Local 2400, AFL-CIO
Resolution: 2001-26

Former Titles:

Abolished:

CITY OF BRISBANE

FIREFIGHTER/PARAMEDIC I/II

Definition

Under general supervision of a Fire Captain, provides medical services at the EMT-P level; performs all the duties of a Firefighter, including responding to fires, hazardous materials incidents, rescues, and other emergency and non-emergency situations; participates in all other suppression, prevention, inspection, education and related activities to protect life and property; operates and maintains fire fighting apparatus and equipment; performs fire station maintenance; serves in specialized departmental roles as assigned; provides information and assistance to the public; and performs related work as required.

Class Characteristics

Firefighter/Paramedic I is the advance level above Firefighter level in the fire service, qualified to perform all normal fire suppression, basic medical emergency, hazardous materials and other emergency response activities, and, in addition, to provide skilled paramedic services. Incumbents are expected to drive and perform all engineering operations of fire engine and all other vehicles and equipment and perform the full range of duties of a Firefighter. Successful performance of the work requires a team-oriented individual who takes pride in serving the community, is flexible and a problem-solver, and is able to perform heavy physical work at potential risk to health and safety.

Firefighter/Paramedic II is the experienced-level above Firefighter/Paramedic level in the fire service, capable of performing duties in the absence or in addition to the Fire Captain. In addition to the Firefighter/Paramedic I duties, this position can function as a working supervisor who commands a firefighting company in the performance of emergency and non-emergency tasks. Emergency tasks include those associated with receipt of an alarm, arrival at the scene, size up, search and rescue, fire extinguishing, ventilation, salvage, overhaul, and emergency medical care. In the absence of a Fire Captain, directs and ensures the efficiency of multi-company operations. Non-emergency tasks include those associated with fire prevention inspections; pre-fire planning; directing the maintenance of equipment; monitoring, evaluating, and counseling firefighters; training; community service and relations; and oversees the daily fire station routine and life.

It is further distinguished from Fire Captain in that the latter is the first supervisory level in this sworn class series.

Examples of Duties (Illustrative Only)

- Responds the emergency calls and provides basic and advanced medical services; directs the on-site work of emergency medical technicians; assists in the emergency transportation of patients to medical facilities as required.
- Responds to fire alarms, emergency rescues, hazardous materials incidents, public service calls or other incidents, which require the mitigation of circumstances that may threaten life or property.
- Drives and operates all fire equipment and locates the apparatus at the proper place at the scene.
- In a fire emergency, lays, connects, charges and uses supply lines and various water appliances to control and extinguish fires; places water curtains and performs ventilating and access maneuvers; uses foam and chemical extinguishers as required by the nature of the fire.
- Searches and rescues victims from buildings, motor vehicles, water hazards and other locations.
- Isolates and minimizes hazardous materials spills.
- Works closely with other emergency medical staff, including providing paramedic services as a paramedic in a member agency of the San Mateo County Pre-Hospital Emergency Medical Group Joint

Powers Agency; coordinates with police and public safety and fire personnel from other agencies; responds to mutual aid situations.

- Participates in investigations, clean-up, salvage and overhaul operations.
- Participates in the fire inspections of buildings and properties within the City on a regularly-scheduled basis.
- Maintains apparatus and vehicles in a clean and operable condition; performs minor maintenance and repair on equipment; reports the need for major repair.
- Maintains the station and living quarters in a clean and orderly condition; performs minor maintenance on facilities and station equipment.
- Participates in drills and training sessions.
- Develops and maintains effective working relationships with the community; presents a variety of educational and public services programs to children, youth and community groups.
- Performs and coordinates specific program or project areas, such as:
 - Lead EMT, first aid and related training for the City;
 - Hazardous materials, CPR and First Aid training;
 - Specialty apparatus acquisition and maintenance;
 - Uniforms and personal protective equipment acquisition and maintenance;
 - Communications equipment acquisition and maintenance;
 - City-wide extinguisher and medical supply program; and/or
 - Hydrant service and beautification.
- Prepares reports; prepares and maintains logs, records and accurate files.
- Performs other duties as assigned.

Qualifications

Knowledge of:

- Principles and practices of fire suppression, containment, rescue, clean-up and salvage.
- Principles and practices of providing emergency medical care at the EMT – P level.
- Practices and techniques of driving varied vehicles and operating a wide range of fire apparatus.
- Practices and techniques hazardous materials response, containment and clean-up.
- Basic maintenance practices for fire services vehicles, equipment and facilities.
- Applicable laws, codes and ordinances.
- Safety practices and equipment related to the work.
- Computer applications related to the work.
- Techniques of first aid and CPR.
- Techniques for dealing with and solving the problems presented by a variety of individuals from various socio-economic, cultural and ethnic backgrounds, in person and over the telephone, often in emergency or stressful situations..

Skill in:

- Performing fire suppression and associated rescue and salvage work in a safe and effective manner.
- Applying the mechanics of fire fighting and emergency medical care at an EMT – P level.
- Operating vehicles and apparatus safely and in conformance with department procedures and traffic laws.
- Dealing with hazardous materials incidents in conformance with department procedures.
- Making sound, independent decisions in emergency situations.
- Learning the geographic layout of the City and the surrounding areas and the location of various fire suppression utilities.

- Maintaining accurate records and clear and accurate reports and other written materials.
- Interpreting, applying and explaining complex codes, regulations and ordinances.
- Coordinating and carrying out special assignments.
- Understanding and carrying out oral and written directions.
- Entering information into a computer with sufficient speed and accuracy to perform the work.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.

Education and Experience:

Firefighter/Paramedic I: Equivalent to graduation from high school supplemented by possession of a valid EMT-Paramedic certificate and completion of an accredited pre-service or recruit Firefighter I Academy. Completion of two years of college level course work in fire technology or a related field and at least one year of experience as a paramedic and one years of experience as a paid or volunteer firefighter are desirable.

Firefighter/Paramedic II: Completion of four years of service with the City; Acting Captain's training and exam process; and the State Fire Officers Certification courses by the end of the probationary period. In lieu of the required certifications, the incumbent may substitute with at least twenty (20) years of continuous service with the City with a minimum of ten (10) continuous years acting Captain experience during those years.

License:

Must possess a valid California class C driver's license and have a satisfactory driving record. Must obtain a valid California non-commercial class C driver license with firefighter "F" endorsement within 60 days of appointment. Must obtain and maintain valid Advanced Cardiac Life Support (ACLS), Pre-Hospital Trauma Life Support (PHTLS) or Basic Trauma Life Support (BTLS), and Pediatric Advanced Life Support (PALS) certificates. Must possess a State of California Paramedic license.

Working Conditions:

Must be willing to work 24-hour shifts as scheduled by the department and work with exposure to emergency circumstances, including exposure to hazardous materials and all weather conditions. Must be willing to pass a background investigation, including fingerprinting.

Physical Demands:

Must possess mobility and physical strength and stamina to respond to emergency situations and use all emergency apparatus and lift and move individuals or objects weighing more than 100 pounds; ability to work in a standard office setting and to operate a motor vehicles; vision to discern colors and assess emergency situations, including medical incidents, and to read printed materials and a computer screen; and hearing and speech to communicate in person and before groups in person and over the telephone and radio.

Approved Date: February 13, 2001
Resolution: 2001-11

Revised Date: February 2, 2023
Resolution:

Bargaining Unit: International Assoc. of Firefighters, Local 2400, AFL-CIO
Resolution: 2001-26

Former Titles:

Abolished:

File Attachments for Item:

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



CITY COUNCIL AGENDA REPORT

Meeting Date: February 2, 2023

From: Clay Holstine, City Manager

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

COMMUNITY GOAL RESULTS

Safe Community

Ensuring Public Meetings Remain Open to the Public

RECOMMENDATION

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

BACKGROUND

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

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

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

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

The Brown Act as amended requires that every 30 days the City Council review its decision not to hold in-person public meetings at City Hall and to specifically determine whether holding remote and/or hybrid public meetings continues to meet the requirements of the Brown Act as amended. (A “hybrid public meeting” means a meeting where a member of a legislative body and a member of the public may attend/participate in meetings either remotely or in person.)

City Council last made the necessary findings on January 12, 2023 to extend meeting remotely, or in a hybrid fashion, for 30 days. Adoption of this resolution will extend meeting remotely or in a hybrid fashion through the end of February 2023. The authority of legislative bodies, as a whole, to meet remotely ends as of February 28, 2023 unless the Governor extends the State declaration of emergency. After that date, individual members of legislative bodies may continue to attend/participate in meetings remotely as provided under the Brown Act. (See “**ACTION**” below.)

DISCUSSION

The state of emergency issued by the Governor remains in place but will end on February 28, 2023. Nevertheless, San Mateo County's Health Officials continue to provide guidance to prevent the spread of COVID and keep people safe and have incorporated the Center for Disease Control's recommendations in that regard, e.g., social distancing is recommended for indoor public meetings where unvaccinated individuals may be present, especially for those who are at a higher risk of getting very sick from COVID. In addition, persons with health conditions may want to attend City Council meetings but would put themselves at risk of becoming ill if they had to attend in person. Therefore, the requirements to allow public meetings to be conducted remotely or in a hybrid fashion continue: there is a declared state of emergency; health officials have imposed measures to prevent the spread of the virus and to promote social distancing; and there continues to be a need to hold public meetings remotely or in a hybrid fashion due to imminent risks to the health and safety if meetings were not so conducted.

ACTION

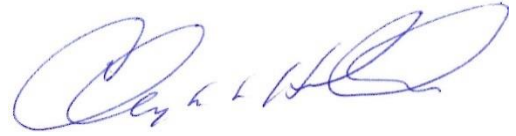
Staff recommends that the City Council adopt the attached Resolution making the findings required under AB 361, to require the public meetings of the City Council, Commissions and Committees normally scheduled for City Hall through February 28, 2023 be held remotely or in a hybrid fashion to protect the health and safety of the public.

More significantly, because the State's declaration of emergency due to COVID-19 will end on February 28, 2023, Council, Commissions and Committees, as a whole, will no longer be authorized to meet remotely thereafter. Individual members who want to attend meetings remotely will need to fall within one of the exceptions under Brown Act, e.g., a medical emergency prevents attendance in person, or follow the technological conferencing requirements of the Brown Act, for example, a quorum of the Council must be within the jurisdiction, the agenda must reflect where the Council member will be, the Councilmember must post the agenda at that location, the location must be accessible by the public, all votes done by roll call, etc.

FISCAL IMPACT

There is no fiscal impact.

Attachment: 1. Resolution 2023-XX

A handwritten signature in blue ink, appearing to read "Clay Holstine", is positioned above a horizontal line.

Clay Holstine, City Manager

RESOLUTION NO. 2023-XX

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Council of the City of Brisbane has adopted Resolutions in 2021, 2022, and 2023 declaring the need for the City Council, Committees, and Commissions to continue to meet remotely or in a hybrid fashion in order to ensure the health and safety of the public; and

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

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

1. In compliance with AB 361, the City Council has reviewed and makes the following findings:
 - a. The State has proclaimed a state of emergency due to the Coronavirus pandemic;
 - b. San Mateo County has issued a public health order requiring that individuals in many public spaces wear masks and socially distance and recommending that individuals in enclosed public spaces wear masks, but the City cannot maintain social distancing for the public, staff, councilmembers, commissioners, and committee members in its meeting spaces; and
 - c. The City Council has considered these circumstances and concludes that the City Council, City Commissions and City Committees must meet remotely, or in a hybrid fashion, due to imminent risks to the health and safety of attendees if the Council, Commissions or Committees were to meet in City facilities.
2. Based on the foregoing, the City Council declares that to protect the safety and health of the public, City Council, Commissions and Committees, meetings will continue to be conducted remotely, or in a hybrid fashion, through February 28, 2023 in compliance with AB 361.
3. The City Council may revisit the need to conduct public meetings remotely or in a hybrid fashion before February 28, 2023, if the State's declaration of emergency is extended beyond February 28, 2023.

_____, Mayor

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on February 2, 2023.

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on February 2, 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, City Attorney



California

LEGISLATIVE INFORMATION

ENROLLED SEPTEMBER 15, 2021

PASSED IN SENATE SEPTEMBER 10, 2021

PASSED IN ASSEMBLY SEPTEMBER 10, 2021

AMENDED IN SENATE SEPTEMBER 03, 2021

AMENDED IN SENATE AUGUST 30, 2021

AMENDED IN SENATE JULY 06, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 06, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 361

Introduced by Assembly Member Robert Rivas

February 01, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

DIGEST KEY

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

BILL TEXT

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

SECTION 1.

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

89305.6.

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

SEC. 2.

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

11133.

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

SEC. 3.

Section 54953 of the Government Code is amended to read:

54953.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

SEC. 3.1.

Section 54953 of the Government Code is amended to read:

54953.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

SEC. 4.

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

54953.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 4.1.

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

54953.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 5.

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

SEC. 6.

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

SEC. 7.

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

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

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

SEC. 8.

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

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

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

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

SEC. 9.

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

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

File Attachments for Item:

F. Self-certification and Adoption the 2023-2031 Housing Element via a Resolution and Finding These Actions Categorically Exempt from Environmental Review Under CEQA under CEQA Guidelines Sections 15061(b)(3) and 15183(d)

(It is being recommended to adopt the 2023-2031 Housing Element of the General Plan, including proposed goals, policies and programs to promote the construction, rehabilitation and conservation of housing throughout the eight-year planning period consistent with the provisions of State law. The Draft Element identifies sites that are currently zoned or planned to be rezoned to meet State-mandated housing projections (Regional Housing Needs Allocation, or RHNA) for Brisbane over the 2023-2031 planning period.)



CITY COUNCIL AGENDA REPORT

Meeting Date: February 2, 2023

From: John Swiecki, Community Development Director

Subject: Self-certification and Adoption of the 2023-2031 Housing Element and Finding These Actions Categorically Exempt from Environmental Review Under CEQA under CEQA Guidelines Sections 15061(b)(3) and 15183(d)

Community Goal/Result

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

Purpose

To adopt a Housing Element of the General Plan that complies with State law.

Recommendation

Self-certify and adopt the draft 2023-2031 Housing Element, via adoption of the draft resolution provided in Attachment 3.

Background

The draft 2023-2031 Housing Element was published on August 8, 2022. Following a formal 30-day public comment period and the Planning Commission's public hearing and recommendation on October 6, 2022, City Council held a public hearing and directed staff to submit the draft Housing Element to the Department of Housing and Community Development (HCD) for an initial 90-day review period. HCD received the draft Housing Element on October 7, 2022 and provided written comments on the Element's compliance with State Housing Element law on January 4, 2023. (See Attachment 1).

Per State law, cities in the Bay Area have until January 31, 2023, plus a 120-day grace period (or May 31, 2023) to adopt an Element and for that adopted Element to be "certified" as compliant with State law by HCD. City staff initially anticipated using the full extent of the grace period for Planning Commission and City Council review of the first round of HCD comments and the necessary public hearings for adoption of an updated version of the Housing Element following HCD's "certification" of its compliance with State law.

However, a recent interpretation of State law by HCD staff suggests that the City must adopt a compliant Housing Element by January 31, 2023, without regard to the 120-day grace period. Failure to adopt the Element by the deadline could leave the City's Housing Element out of compliance with State law and expose the City to the so-called "builder's remedy," whereby housing developers who comply with certain affordability

standards may proceed with their projects without regard to certain local zoning requirements.

Based on this recent interpretation and to limit risk to the City, the Housing Element adoption process is being accelerated ahead of HCD's formal certification. On January 12, 2023, the Planning Commission provided a recommendation to the City Council to self-certify and adopt the Housing Element, including any edits proposed by staff to address the comments made by HCD in their January 4, 2023 letter.

Discussion

In order for City Council to adopt the Housing Element and certify its compliance with State law, Council must find that the Element complies with State law. A compliance checklist was provided in Appendix F of the Housing Element and is included by reference in the attached draft resolution. A summary of the primary Housing Element topics covered by State law and how they are addressed in the Housing Element is provided in the January 12, 2023 Planning Commission agenda report (see Attachment 6).

Recommended Revisions to the Draft Element

HCD's January 4, 2023 letter to the City (see Attachment 3) outlines several topic areas for which it believes the City must provide more analysis and/or evidence to demonstrate compliance with State law. Staff met with HCD staff on January 20, 2023 to discuss how best to provide additional analysis for HCD to certify the Element as compliant with State law. Responses to HCD's comments based on staff's conversation with HCD are provided in Attachment 4, and revisions to the Element are shown in redline (Attachment 1). Most of the revisions to the draft Element in response to HCD's comments provide additional data and analysis to the Element's discussion of various topic areas. A number of programs were edited as shown in redline in Chapter 5. Many of these are to provide more specificity or are to ensure compliance with state law.

However, some comments related to the City's action programs would require the Council to make policy and/or budgetary decisions in order to respond to HCD comments and these are highlighted as follows:

Program 2.B.4: Update the zoning ordinance allowing for emergency shelters as a permitted use in the SCRO-1 District from 12 beds to 30 beds, with such use not subject to discretionary action or to any development or management standards that would not apply to other allowed uses within the zone, except as provided by Government Code Section 65583(a)(4); Timeframe: 12/31/26

Currently the Municipal Code allows for construction of emergency shelters of up to 12 beds in the Southwest Bayshore SCRO-1 district by-right, without a discretionary permit, subject to certain development provisions. HCD suggested that an emergency shelter of 12 beds would be inadequate to meet the demand and a shelter of that small

size is unlikely to be built. They indicated a target range of 30 to 40 beds would be more appropriate. The newly drafted program shown above would commit the City to rezone to increase the permitted bed count for a by right shelter from 12 to 30. Note that Section 2.1.6 of the draft Element provides a range of homeless individuals from 4 people in a 2019 homeless count surveys to 19 people in a 2017 survey. Further discussion has been added to Section 3.2.1.7 of the draft Element.

Program 2.G.1: *Study potential updates to the Residential-Brisbane Acres (R-BA) zoning district density transfer program to expand allowable “receiving” sites to include sites in other residentially or mixed-use zoned districts in the City to facilitate preservation of privately owned parcels in the R-BA zoning district and allow development rights to be transferred to parcels with access to existing infrastructure and lesser habitat value; Timeframe: 12/31/25*

Program 2.E.6: *Study the potential to develop vacant or underutilized City-owned sites for affordable and/or special needs housing with nonprofit housing developers, HEART, HIP Housing, and other partners; Timeframe: 1/31/25*

HCD’s review requested that draft programs 2.G.1 and 2.E.6 be amended to include definitive outcomes beyond completing studies. Both of these studies would also include a robust community engagement component.

In the case of the density transfer program expansion (2.G.1), study of the proposal would include an analysis of the following:

- the density maximum that could be transferred from sites in the R-BA,
- which residential or mixed-use districts may be appropriate to receive moderate density increases, and
- what potential impacts may occur as a result of those density transfers into various districts.

For program 2.E.6, study of the proposal would include the following:

- inventorying city-owned and Housing Authority owned sites,
- consultation with affordable housing developers, and community engagement to identify the market potential of sites in the inventory,
- and determination of the appropriateness of housing on the various sites considering their size, topography, and location (among other factors).

City Council may consider whether more definitive outcomes (e.g., committing to a specific course of action) is appropriate at this time, or if the program language should remain as-is. If the programs are retained as is, it is likely HCD will identify the same concerns upon subsequent review of the revised Element. A third option is to delete the proposed programs and pursue them outside of the Housing Element, though staff notes HCD may similarly have concerns on that course of action upon subsequent review.

Program 5.A.9: *Establish a stakeholder committee to advise the City on additional methods to engage all segments of the community, especially lower income and special needs households, on housing issues through the plan period; Timeframe: Q1 2024; ongoing thereafter.*

This program would involve assembling a stakeholder committee to advise the Council and staff on engaging with a diverse range of community members on housing issues. Formation of such committees is at the discretion of the City Council. Staff anticipates that such a committee would meet no more than quarterly.

Baylands

It should be noted that HCD's characterization of the Baylands rezoning program as a "pipeline project" is inaccurate as pipeline projects refer to development projects with approved entitlements; staff informed HCD of this incorrect statement and has included clarifying language in the redline text to make that distinction more clear.

Deferred Revisions to the Draft Element

Staff has identified minor informational updates to respond to HCD's comments regarding existing land use information in the sites inventory. While these edits are not presented to the Council this evening, staff intends to complete them administratively prior to submitting the revised Element to HCD.

CEQA Determination:

Adoption of the Housing Element is categorically exempt under the following sections of the CEQA Guidelines:

- Section 15061(b)(3) because it involves adoption of policies and programs that would not cause a significant effect on the environment.
- Section 15183(d) of the CEQA Guidelines as follows:
 - Rezoning to meet the RHNA Shortfall is addressed under the Environment Impact Report (State Clearinghouse #2006022136; via Brisbane City Council Resolution 2018-61) and EIR Addendum for General Plan Amendment GPA-1-19 (adopted via Brisbane City Council Resolution 2020-1), which allows for development of up to 2,200 housing units on that same portion of the Baylands as indicated in the Housing Element.
 - All other residential and mixed-use districts identified in the Housing Element are already designated for residential development in the City's General Plan and zoning ordinance, for which an Environmental Impact Report was adopted in 1994 (SCH #93071072) and a negative declaration was adopted in 2015 relative to adoption of the Parkside Residential Overlay districts (SCH #2015012053).

Consultation:

Staff notes that under Government Code, Section 65352, the City is to consult with tribes when a General Plan is proposed to be amended. Although tribes were not consulted

specifically as to this proposed amendment to the Housing Element, there has been substantial compliance with these two sections. This proposed Housing Element is consistent with the current Land Use Element of the General Plan that was amended in 2018 to allow 1800 to 2200 housing units in the Baylands subarea (General Plan Amendment GP-1-18). The City did consult with tribes with respect to that General Plan Amendment and tribal consultation will occur again in 2023 as part of the preparation of the Baylands Specific Plan application. Moreover, if Council approves the Housing Element and self certifies it but it becomes necessary to amend the Element further in light of comments the City receives from HCD, staff will consult with tribes at that time.

Next Steps

Once City Council self-certifies and adopts the Housing Element, staff will submit it to HCD for a 60-day review period. If after concluding review of the adopted Element HCD has further substantive comments requiring Council action, revisions to the adopted Element in response to such comments would be brought back to the Planning Commission and City Council for consideration as an amendment to the adopted Element. Staff intends to obtain HCD certification within the 120-day grace period, or by May 31, 2023.

Fiscal Impact

None

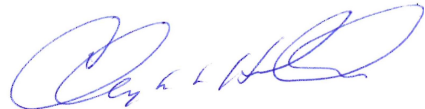
Measure of Success

Adoption of a Housing Element for the 2023-2031 planning period that complies with State law.

Attachments

1. Draft 2023-2031 Housing Element with changes shown in redline (hyperlink)
2. Draft City Council Resolution 2023-XX
3. January 4, 2023 HCD review letter (hyperlink)
4. City Response Matrix detailing responses to January 4, 2023 HCD review letter
5. Planning Commission Resolution 2023-GPA-1-A
6. January 12, 2023 Planning Commission Meeting Agenda Packet, Minutes, and Video (hyperlink)
7. Written correspondence received prior to packet publication


John Swiecki, Community Development Director


Clay Holstine, City Manager

Attachment 1: 2023-2031 Housing Element showing revisions in redline
(Hyperlink)

draft**RESOLUTION 2023-XX****A RESOLUTION OF THE BRISBANE CITY COUNCIL
TO ADOPT A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2022 HOUSING
ELEMENT, ADOPT THE DRAFT 2023-2031 HOUSING ELEMENT AND
CERTIFY ITS COMPLIANCE WITH STATE LAW**

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Brisbane’s (City) regional housing need allocation (RHNA) of 1,588 housing units, comprised of 317 very-low income units, 183 low-income units, 303 moderate-income units, and 785 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Brisbane has prepared a 2023-2031 Housing Element (the Housing Element) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City’s RHNA; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5, the Native American Heritage Commission was provided notice of EIR preparation for the General Plan amendment for the Baylands Specific Plan, which includes the only rezoning within this Housing Element; and

WHEREAS, the preparation, adoption, and implementation of the Housing Element requires a diligent effort to include all economic segments of the community; and

WHEREAS, the City conducted extensive community outreach over the last twenty-one months including nine public meetings before the Planning Commission and

City Council, in-person outreach at community events, online and hard copy surveys, a social media campaign, and direct mailers to tenants of multi-family dwellings; and

WHEREAS, in accordance with Government Code Section 65585 (b), on August 8, 2022, the City published the Housing Element on its website and made physical copies available at the Brisbane Library and City Hall, and requested public comment for a 30-day review period;

WHEREAS, the Planning Commission held a public hearing to consider the Housing Element on August 25, 2022 during the 30-day public comment period, and recommended that the City Council direct staff to submit the Housing Element to the State Department of Housing and Community Development (HCD); and

WHEREAS, the City Council held a public hearing on October 6, 2022 to consider the Housing Element and all public comments received during and after the 30-day public comment period, and directed staff to submit the Housing Element to HCD; and

WHEREAS, on October 7, 2022, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on January 4, 2023, the City received a letter from HCD providing its findings regarding the draft Housing Element; and

WHEREAS, on January 12, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider the draft Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the staff report and all attachments, and oral and written public comments; and

WHEREAS, the Planning Commission adopted Resolution 2023-GPA-1-A recommending the City Council adopt and self-certify the Element, with revisions as may be considered by the City Council in response to HCD's comments, and finding that adoption of the Element is exempt from CEQA; and

WHEREAS, on January 27, 2023, the City published a revised draft Housing Element responding to HCD's findings and requested public comment on the draft; and

WHEREAS, on February 2, 2023, the City Council conducted a duly and properly noticed public hearing to take public testimony and consider the Element as revised to address HCD's comments, and all pertinent maps, documents, and exhibits, the staff report and all attachments, and oral and written public comments; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The Housing Element is consistent with the 1994 General Plan, as amended.
3. The Housing Element substantially complies with State Housing Element Law, as detailed in Appendix F of the Housing Element.
4. Adoption of the Housing Element is categorically exempt under CEQA Section 15061(b)(3) because it involves adoption of policies and programs that would not

cause a significant effect on the environment, and exempt from CEQA per Section 15183(d) of the CEQA Guidelines as follows:

- a. Rezoning to meet the RHNA Shortfall is addressed under the Environmental Impact Report (EIR) for General Plan Amendment GPA-1-18 (State Clearinghouse #2006022136; certified via Brisbane City Council Resolution 2018-61) and EIR Addendum for General Plan Amendment GPA-1-19 (adopted via Brisbane City Council Resolution 2020-1), which allows for development of up to 2,200 housing units on that same portion of the Baylands as indicated in the Housing Element.
- b. All other residential and mixed-use districts identified in the Housing Element are already designated for residential development in the City's General Plan and zoning ordinance, for which an Environmental Impact Report was adopted in 1994 (SCH #93071072) and a negative declaration was adopted in 2015 relative to adoption of the Parkside Residential Overlay districts (SCH #2015012053).
5. The 2015-2022 Housing Element is hereby repealed and the 2023-2031 Housing Element attached hereto as Exhibit A, incorporated by this reference, is adopted.
6. The Community Development Director is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve certification.
7. The Community Development Director is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7.

MADISON DAVIS, Mayor

I hereby certify that the foregoing Resolution 2023-XX was duly and regularly adopted at a regular meeting of the Brisbane City Council on February 2, 2023, by the following vote:

AYES:

NOES:

INGRID PADILLA, City Clerk

Attachment 3: January 4, 2023 HCD Comment Letter
(Hyperlink)

F. CD Comment	Response
REVIEW AND REVISE	
1. <i>Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)</i>	
<p>Shortfall of Sites from Prior Planning Periods: As noted on page A-15, the City had a shortfall of sites to accommodate the regional housing needs allocation (RHNA) for the 5th cycle of the housing element. The element notes that rezoning was completed but should describe how all requirements were met or include new programs to address any gaps in meeting requirements. Specifically, the element should clearly describe how the 5th cycle needs were accommodated with sites at appropriate densities, size and other suitability and availability factors. The element should also discuss the suitability and availability of the sites and how all by right requirements were met pursuant to Government Code section 65583.2, subdivisions (h) and (i) and add or modify programs, as appropriate.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Updated Appendix A, table A.4, to include PAOZ-1 and PAOZ-2 densities, permitted by-right residential development types, minimum site yields using minimum density permitted in zoning district regulations, ministerial design review by ZA. Add hyperlink to BMC CH. 17.27 and to Parkside Precise Plan. Updated Chapter 3, Section 3.1.2, to expand on overview of 2018 zoning amendments and suitability/availability of sites, adding cross reference to Appendix B.
<p>Special Needs Housing: The element must provide an evaluation of the cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness) and revise programs as appropriate.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Expanded on existing analysis in Appendix A with a new Section 5 - Effectiveness of Past Goals, Policies and Programs for Special Needs Populations. See also Brisbane's Housing Needs Data Report in Appendix D. Added cross reference of cumulative effectiveness to Section 2.3, which includes a new section 2.3.1 Housing Problems.
HOUSING NEEDS, RESOURCES, AND CONSTRAINTS	
1. <i>Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)</i>	
<p>Local Data and Knowledge: The element notes the City is comprised of one census tract. As a result, most of the fair housing information and mapping does not reveal a pattern. For example, there is no discernible pattern in poverty rates or persons with disabilities. For these reasons, the element should utilize local data and knowledge to complement the fair housing information and mapping. For example, the element could utilize fair housing providers, City staff, school officials, transportation planners and other local and regional planning documents.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Expanded discussion and added analysis of patterns using local knowledge and data to Appendix C, Section II (Integration and Segregation) and Section IV (Disparate Housing Needs) Enhanced analysis of existing school district AFFH concerns Modified Appendices C2 and C3 to highlight Brisbane-specific data Added new Policy 1.C and program 1.C.1 committing to regular coordination with service providers and local agencies over the planning period to ensure up-to-date local data is maintained throughout and to use fair housing data to inform Capital Improvement Projects and biennial budget. Emphasized Brisbane-specific data in educational supplement (Appendix C.2) outlining disparities between students in the Brisbane Elementary, Jefferson Union High School, and Bayshore Elementary school districts. <p>Note: Awaiting SamTrans and Project Sentinel confirmation of survey findings to reveal patterns.</p>
<p>Other Relevant Factors: The element includes several other relevant factors to fair housing issues such as history, land use, redlining, CC&R,</p>	<p>Proposed Edits/Actions</p>

<p>F. Funding and related demographics. However, given the one census tract (noted above) for the City, the element could consider additional other relevant factors such as historical investment by AREAS (e.g.; capital improvement program), state and federal investment. Seeking investment or lack of seeking investment to promote affordability and inclusion or other information that complements the state and federal data to better describe the patterns and trends within the City and compared to the region. The analysis could also consider future fair housing implications of the Baylands which may result in difference in access to opportunity such as parks and open space and active transportation or other indicators of quality of life.</p>	<ul style="list-style-type: none"> Added analysis to Appendix C, Section III regarding prior Redevelopment Agency investment (e.g., senior housing, Habitat for Humanity) Added statement to Appendix C, Executive Summary that there is no evidence of harm or historic pattern to relevant factors and City/State/Federal investment is not a contributing factor to a fair housing issue. Expanded Appendix C, Section V sites inventory AFFH analysis to clarify parks and transit proximity in the Baylands. Amended Chapter 5, Program 2.A.2 for Baylands Specific Plan to address accessible units design in close proximity to transit. <p>Note: Additional analysis to be provided in Appendix C, Section III showing Capital Improvement Project locations and types throughout City neighborhoods.</p>
<p>Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete then formulate appropriate policies and programs.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> No Fair Housing Action Plan revisions necessary based on updated analysis.
<p>2. <i>Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)</i></p> <p><i>Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)</i></p>	
<p>Extremely Low-Income (ELI) Households: While the element quantifies existing and projected ELI households, it must also analyze their housing needs. The analysis of ELI housing needs could consider tenure, overpayment, overcrowding, resources and the effectiveness of strategies and the magnitude of housing need.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Amended Chapter 2 to add section 2.3.1 and Table 2.31; also refer to section 3.2.1.10
<p>Special Housing Needs: While the element includes some quantification of special housing needs, it must still analyze those needs. The analysis should include, but is not limited to, factors such as trends, household income, tenure, housing types, zoning, available resources, effectiveness of past strategies and an evaluation of the magnitude of the need. Local officials, special needs service providers, or social and health service providers may be able to assist with information to complete the analysis. For additional information and a sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Amended Chapter 2 to expand Section 2.3 ; subsections 2.3.1 thru 2.3.7 added with (new) Tables 2.31 thru 2.34; cross references to Chapter 3 and Appendix D throughout
<p>3. <i>An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)</i></p>	
<p>Progress toward the RHNA: While the element may utilize pipeline and potential development projects toward the RHNA, it must also demonstrate their affordability and availability in the planning period. Affordability must be demonstrated based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions).</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Created a new action program committing to facilitating development and monitoring of approvals of pipeline projects (Chapter 5, Program 2.A.9). Amended Chapter 3. Section 3.1.2, and Appendix B, Section 4.5 and Table B.7.2, to add clarifying language on environmental cleanup status and timeframe for the Baylands site

<p>F. Availability should account for the likelihood of project completion in the planning period and should address the status, necessary steps to issue permits, any barriers to development and other relevant factors.</p> <p>In addition, the analysis of affordability and availability should specifically address the Baylands and its affordability and availability for development in the planning period. Regarding affordability, the element should either demonstrate affordability based on sales prices and rents or other mechanisms ensuring affordability (e.g., deed- restrictions) or demonstrate how the large site will facilitate affordability. For availability, the analysis should address the anticipated scheduled for development, including completion, any known barriers to development in the planning period, impacts of remediation plans on site availability, infrastructure, phasing requirements, build out horizons and any other factors impacting the availability of sites in the planning period. Based on the outcomes of this analysis, the element should adjust residential capacity assumptions for the planning period.</p> <p>Finally, given the element has identified a large portion of the RHNA through pipeline projects, the element should include programs with actions that commit to facilitating development and monitoring approvals of the projects, including the number of units and affordability (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals and monitoring of project progress, including rezoning or identification of additional sites, if necessary).</p>	<p>per approved Remedial Action Plans, and to clarify status of site as a pending zoning project as opposed to a pipeline project.</p>
<p>Parcel Inventory: While the element lists parcels by various factors such as acreage, general plan designation, zoning and realistic capacity by income group, it should also list parcels by existing use sufficiently to facilitate an analysis of potential for redevelopment. Currently, the element (pp. B-20 to B-21) lists existing uses generically (e.g., Warehouse, single family residential) which is not sufficient information to facilitate an analysis of the potential for redevelopment. Instead, the element could describe the existing uses such as abandoned structure with large parking lot or could utilize factors or indicators of potential for redevelopment such as age of structure, existing versus allowable floor area and improvement to land value.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Deferred: To be added prior to HCD submittal. Administrative descriptions to be added. Some minor changes have already been made to tables in Appendix B.
<p>Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for additional development on nonvacant sites. To address this requirement, the element should address the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Provided analysis of development potential of nonvacant sites in the PAOZ-1 and PAOZ-2 districts in Chapter 3, Section 3.1.2, and Appendix B, Section 4.4. Added statement to Chapter 3, Section 3.1.2, that less than 50% of the low income RHNA is accommodated by nonvacant sites.

<p>F. Other contracts that would perpetuate the existing use or prevent development of the site for additional incentives or standards to encourage additional residential development on these sites.</p>	
<p>Availability of Infrastructure: The element includes some general discussion of water and sewer capacity but should clarify sufficient existing and planned water and sewer capacity to accommodate the RHNA and include programs, if necessary.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> • Amended Chapter 5, Program 2.A.2 to incorporate requirement for water allocation to be explicitly referenced. • Amended Chapter 4, Sections 4.1.4.1 and 4.1.3.2 to add statements that projected development over the planning period is accommodated by existing or planned water supply and sewer treatment capacity.
<p>Environmental Constraints: While the element generally describes potential environmental constraints, it must still describe any other known environmental or other conditions that could impact housing development on identified sites in the planning period. (e.g., shape, contamination, easements, conditions, compatibility)</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> • See new section 4.2.1 Environmental and Physical Constraints and expanded discussion in Chapter 3, Section 3.1 - Sites Inventory, and Appendix B.
<p>Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at https://www.hcd.ca.gov/planning-and-community-development/housing-elements for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> • Deferred: To be completed when certified.
<p>Zoning for a Variety of Housing Types:</p> <ul style="list-style-type: none"> • Emergency Shelters: While the element mentions emergency shelters are permitted in the Southwest Bayshore Commercial district without a use permit, it should clarify the use is permitted without discretionary action. In addition, the element should discuss available acreage such as the presence of reuse and redevelopment opportunities to demonstrate sufficient capacity to accommodate the need for emergency shelters. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability and should list and evaluate development standards, including parking requirements as potential constraints. For example, the analysis should address the 12-bed limit as a constraint. Based on the outcomes of the analysis, the element should add or modify programs as appropriate. • Transitional and Supportive Housing: Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. While the element notes these uses are permitted the same as other residential uses, it should also clarify 	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> • Emergency Shelters: See expanded description/analysis in the Resources Chapter, Section 3.2.1.7 Emergency Shelters and Program 2.B.4 to expand the 12-bed limit to 30-beds for a permitted by-right development. • Transitional and Supportive Housing: See added Section 3.2.1.8 and Program 2.A.8 to update the ordinance, to allow transitional and supportive housing and by-right permanent supportive housing in the NCRO-2 district- 2030 • Manufactured Housing: See added Section 3.2.1.8 - Allowance of Various Housing Types for manufactured housing • ADUs: Added new program 2.A.10 to update ADU Ordinance by 12/31/2023 • Employee Housing is referenced in 2.3.7 and new Section 3.2.1.8, which includes the existing zoning ordinance definition, treating employee housing as the same as single family dwellings pursuant to the state code.

the uses are permitted in all zones allowing residential uses and similar to residential dwellings of the same type in the same zone.

- **By Right Permanent Supportive Housing:** By right permanent supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate.
- **Employee Housing:** The element must demonstrate zoning complies with the Employee Housing Act (Health and Safety Code, § 17000 et seq.) or add or modify programs. Specifically, section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.
- **Manufactured Housing:** Pursuant to Government Code section 65852.3, manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. The element must demonstrate consistency with this requirement or add or modify programs as appropriate.
- **Accessory Dwelling Units:** The element indicates the City modifies its zoning code to ease barriers to the development of accessory dwelling units (ADU's). However, after a cursory review of the City's ordinance, HCD discovered several areas which were not consistent with State ADU law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance to comply with State law.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address multifamily heights. The analysis should address any impacts on housing cost, supply (number of units), feasibility and ability to achieve maximum densities and include specific commitment to address identified constraints in program.

Proposed Edits/Actions

- Added analysis to Section 4.1.1.2 detailing trends of housing developments constructed in compliance with district building height limits to illustrate that existing land use controls do not impede housing development.
- Added analysis to Section 4.1.1.2 to detail pathway through the density bonus ordinance for affordable housing projects to attain building heights above the underlying district regulations without discretionary approval requirements.
- Added analysis to Section 4.1.1.2 illustrating how land use controls would apply to multi-family development on a typical lot in the R-3 and SCRO-1 districts (multi-family by-right districts).

<p>F. Fees and Exaction: The element shows the total amount of fees per unit for typical single-family and multifamily development but should also list and evaluate all impact fees as part of the analysis. Currently, the analysis shows an aggregate figure for impact fees.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Added breakdown of impact fees for single-family and multi-family developments in footnotes in Chapter 4, Tables 4-3 and 4-4. Added a statement finding of the overall impact of fees on development feasibility
<p>Local Processing and Permit Procedures: The element provides a general summary of some permit procedures but should discuss the procedures for a typical single family and multifamily development that is consistent with zoning and the general plan. The analysis should address the decision-making body, typical number of hearings, timing and approval findings. The analysis should evaluate impacts on cost, timing and approval certainty and add or modify programs to address any identified constraints.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Added additional information to Chapter 4, Section 4.1.4.2 regarding typical single-family and multi-family permit processing procedures and timeframes, as well as PAOZ-1 and PAOZ-2 overlay ministerial review.
<p>Housing for Persons with Disabilities: The element must analyze potential governmental constraints on housing for persons with disabilities. The analysis must address reasonable accommodation, definition of family and zoning and permit procedures for group homes for seven or more persons. For reasonable accommodation, the element should discuss the procedures, decision maker, timing and specifically list and evaluate approval findings. For the definition of family, the element should identify the definition and evaluate any potential impacts on the number of persons and unrelated persons. For group homes for seven or more persons, the element should specifically analyze and add or modify programs to address the conditional use permit procedure as a constraint.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Added information and analysis to Chapter 4, Section 4.1.5 describing existing reasonable accommodations permit procedures, decision maker, timing, and findings and expanded discussion of use permits required for group homes of 7 or more persons.
<p>On- and Off-Site Improvements: The element briefly mentions the City has standards for on- and off-site improvements but should list the actual standards for a typical development and evaluate the cost impacts on housing development.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Amended Chapter 4, Section 4.1.3.1, to add specific off-site improvement standards, typical development scenarios, and evaluation of cost impacts of required improvements.
<p>Zoning and Fees Transparency: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the City's website and add a program to address these requirements, if necessary.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Amended Chapter 5 to add Program 7.A.9 to update City's website by 12/2023 and annually thereafter to ensure up to date information in compliance with the Government Code.
<p>5. <i>An analysis of potential actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)</i></p>	
<p>Requests for Lower Density and Permit Times: The element must analyze (1) requests to develop housing at densities below those identified in the inventory and (2) the length of time between receiving approval for a housing development and submittal of an application for building permits. The analysis should address any hinderances on the construction of a locality's share of the regional housing need and programs should be added or modified as appropriate.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> See added Sections 3.2.1.9 - Minimum Density Zoning and 4.1.4.5 - Accommodating Lower Density Requests.

F. HOUSING PROGRAMS

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, programs should have specific commitment toward housing outcomes (e.g., remove or modify “evaluate feasibility”, “study feasibility”, “study potential”, “examine how”, “explore potential”) and discrete and early timing (e.g., at least annually or by Jan 2025).

Examples of programs that should be revised with discrete timing include Programs

- 2.B.3 (Regional Shelter and Services to Homeless),
- 2.E.1 (Affordable Housing Strategic Plan),
- 2.F.3 (Land Banking),
- 2.F.4 (City Funding),
- 4.B.1 (Collaborate with Other Agencies on Housing Repair and Home Rehabilitation),
- 4.B.2 (Preservation Policies) and
- 5.A.4 (Publicize Funds for Rehabilitation).

Examples of programs that should be revised with specific commitment include Programs

- 2.A.5 (Reduce Minimum Lot Sizes),
- 2.A.7 (Commercial Zoning Amendments for Mixed Use),
- 2.D.1 (Special Needs Housing),
- 2.D.2 (ADU and JADU),
- 2.E.3 (ADU Construction Loan),
- 2.E.6 (City-owned Sites),
- 2.F.4 (City Funding in Private Development),
- 2.G.1 (Density Transfer) and
- 4.A.11 (Extend Affordability Covenants).

Proposed Edits/Actions

- Modified programs 2.B.3, 2.E.1, 2.F.3, 4.B.2, and 5.A.4 to include discrete timing
- Modified programs 2.A.5, 2.A.7, 2.D.1, 2.D.2, 2.E.3, 2.F.4, 4.A.11 to include specific commitments to outcomes
- Programs 4.B.1 and 5.A.4 identified by HCD as requiring revisions to add discrete timing already contained discrete timing and are not proposed to be revised.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

F.

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

- **Shortall of Sites to Accommodate the RHNA:** The program should commit to *comply* (replace “consistent”) with all of the by right requirements pursuant to Government Code section 65583.2 (h) and (i). For example, the program should commit to affordability provisions and residential performance standards as well as permitting multifamily development without discretionary action.
- **Baylands and Pipeline Projects:** As noted in Finding B3, the element should include a program that commits to facilitate development and monitor approval of pipeline projects, including the Baylands, number of units and affordability.
- **Sites Identified in Prior Planning Periods:** If necessary, the element must include a program for vacant sites identified in two of more consecutive planning periods’ housing elements or nonvacant sites identified in a prior housing element, that are currently identified to accommodate housing for lower-income households. The program must be implemented within the first year or three years, whichever is appropriate, of the planning period and commit to zoning that will meet the density requirements for housing for lower-income households (30 units per acre) and allow by-right approval (without discretionary action) for housing developments that include 20 percent or more of its units affordable to lower-income households.
- **Replacement Requirements:** The element should include a program to provide replacement housing. (Gov. Code, § 65583.2, subd. (g)(3).) The replacement housing program must adhere to the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).
- **Program 2.B.5 (Low Barrier Navigation Centers):** The program must specifically commit to amend zoning (beyond “explore”) permit low barrier navigation centers in all zones allowing multifamily uses pursuant to Government Code section 65661.

Proposed Edits/Actions

- Amended Program 2.A.2 to replace “consistent” with “comply” and added Government Code sections, add by-right provisions and no discretionary review, meeting affordability levels anticipated in the Housing Element, and requirement to provide a dedicated water supply through the CEQA mitigations process.
- Added new program 3.A.5 to amend zoning ordinance to require replacement of lost low-income units on a one-to-one basis.
- Amended program 2.B.5 to amend zoning ordinance to comply with Government Code sections 65660 – 65668 regarding low barrier navigation centers.
- Created a new action program committing to facilitating development and monitoring of approvals of pipeline projects (Chapter 5, Program 2.A.9).
- No vacant sites were identified in two or more consecutive planning periods for low income RHNA- no action required.

3. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Given the lack of progress toward the regional housing need allocation for lower income households and special needs households in the prior planning period, the element must include significant and specific

Proposed Edits/Actions

- Added Program 2.F.7 and revised Program 2.F.4 to address specific actions for ELI housing and add cross reference to program 2.E.1.

<p>F. Commitment to assist in the development of housing for lower-income households. While the element includes some actions (e.g., Goal 2), many of these actions do not commit to housing outcomes. Several actions commit to studies, examinations or building relationships. While these efforts are important and meaningful, these efforts should be complimented by additional steps that lead to housing outcomes. For example, Program 2.F.2 commits to annually develop a relationship with nonprofit housing developers. Instead, the Program should include clear and specific commitment to identify affordable development opportunities, grant incentives, assist with funding and process entitlements on an annual basis. The Program should also commit to a numerical target and evaluate and adjust efforts as necessary every other year. Other examples include programs under Policies 2.B (Special Needs), 2.D (Reduce Development Costs), 2.E (Seek Funding) and 2.F (Facilitate Affordable Housing).</p> <p>In addition, the element must include specific actions to assist in the development of housing for extremely low-income households. Actions could include adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers.</p>	
<p>4. <i>Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)</i></p>	
<p>As noted in Findings B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> See edits and actions listed under Findings B4 and B5.
<p>5. <i>Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)</i></p>	
<p>As noted in Finding B1, the element must include a complete analysis of affirmatively furthering fair housing (AFFH). The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numeric objectives and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in higher opportunity or income areas, place-</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> See edits and actions listed under Finding B1.

<p>F. Based strategies toward community revitalization and displacement protection. (JA) - Done</p>	
<p>6. <i>Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)</i></p>	
<p>The element should commit to monitor the production and affordability of ADUs every two to three years (e.g., three times in the planning period) and take action if assumptions in the sites inventory are not met (e.g., additional incentives, rezoning) within a specified time (e.g., six months).</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> Added an ADU monitoring program as a standalone program or a part of the existing ADU programs. (2.F.6) Amended ADU rent survey program to outline actions to be taken if assumptions are not met (3.A.3)
<p>QUANTIFIED OBJECTIVES</p>	
<p>1. <i>Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)</i></p>	
<p>While the element includes new construction objectives, these objectives should include numerical targets for extremely low-income households and should also consider rehabilitation and conservation objectives by income group, including extremely low-income households.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> See added Section 3.2.1.10 Accommodating Extremely Low Income Households See added line in Table 5-1 for SCRO-1 emergency shelter, for 12 (increased to 30) beds. See added line in Table 5-1, preservation, for existing ELI, VL, L, and M housing unit preservation
<p>PUBLIC PARTICIPATION</p>	
<p>1. <i>Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)</i></p>	
<p>While the element described various efforts to achieve public participation in the preparation of the housing element update, moving forward, the City should employ additional methods to engage all segments of the community, including lower-income and special needs households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income and special needs households in future public outreach efforts.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> See added Program 5.A.9 for stakeholder committee to advise on community engagement during the planning period.
<p>GENERAL PLAN CONSISTENCY</p>	
<p>1. <i>The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)</i></p>	
<p>While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.</p>	<p>Proposed Edits/Actions</p> <ul style="list-style-type: none"> See edit to Program 4.A.13

RESOLUTION 2022-GPA-1-A

A RESOLUTION OF THE BRISBANE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2022 HOUSING ELEMENT AND ADOPT THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031, IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Brisbane’s (City) regional housing need allocation (RHNA) of 1,588 housing units, comprised of 317 very-low income units, 183 low-income units, 303 moderate-income units, and 785 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Brisbane has prepared a 2023-2031 Housing Element (the Housing Element) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City’s RHNA; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5, the Native American Heritage Commission was provided notice of EIR preparation for the General Plan amendment for the Baylands Specific Plan, which includes the only rezoning within this Housing Element; and

WHEREAS, the preparation, adoption, and implementation of the Housing Element requires a diligent effort to include all economic segments of the community; and

WHEREAS, the City conducted extensive community outreach over the last twenty-one months including nine public meetings before the Planning Commission and

City Council, in-person outreach at community events, online and hard copy surveys, a social media campaign, and direct mailers to tenants of multi-family dwellings; and

WHEREAS, in accordance with Government Code Section 65585 (b), on August 8, 2022, the City published the Housing Element on its website and made physical copies available at the Brisbane Library and City Hall, and requested public comment for a 30-day review period;

WHEREAS, the Planning Commission held a public hearing to consider the Housing Element on August 25, 2022 during the 30-day public comment period, and recommended that the City Council direct staff to submit the Housing Element to the State Department of Housing and Community Development (HCD); and

WHEREAS, the City Council held a public hearing on October 6, 2022 to consider the Housing Element and all public comments received during and after the 30-day public comment period, and directed staff to submit the Housing Element to HCD; and

WHEREAS, on October 7, 2022, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on January 4, 2023, the City received a letter from HCD providing its findings regarding the draft Housing Element; and

WHEREAS, on January 12, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the staff report and all attachments, and oral and written public comments.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The Housing Element is consistent with the 1994 General Plan, as amended.
3. The Housing Element substantially complies with State Housing Element Law, as detailed in Appendix F of the Housing Element.
4. Adoption of the Housing Element is categorically exempt under CEQA Section 15061(b)(3) because it involves adoption of policies and programs that would not cause a significant effect on the environment, and exempt from CEQA per Section 15183(d) of the CEQA Guidelines as follows:
 - a. Rezoning to meet the RHNA Shortfall is addressed under the Environmental Impact Report (EIR) for General Plan Amendment GPA-1-18 (State Clearinghouse #2006022136; certified via Brisbane City Council Resolution 2018-61) and EIR Addendum for General Plan Amendment GPA-1-19 (adopted via Brisbane City Council Resolution 2020-1), which allows for development of up to 2,200 housing units on that same portion of the Baylands as indicated in the Housing Element.
 - b. All other residential and mixed-use districts identified in the Housing Element are already designated for residential development in the City's General Plan and zoning ordinance, for which an Environmental Impact Report was adopted in 1994 (SCH #93071072) and a negative declaration was adopted in 2015 relative to adoption of the Parkside Residential Overlay districts (SCH #2015012053).

5. The Planning Commission recommends that the City Council repeal the 2015-2023 Housing Element and adopt the 2023-2031 Housing Element attached hereto as Exhibit A, incorporated by this reference. This includes edits as may be necessary to address HCD's comments, as provided in their January 4, 2023 review letter to the City.

ADOPTED this twelfth day of January, 2023 by the following vote:

AYES: Funke, Gooding, Lau, Sayasane

NOES: N/A

ABSENT: Patel

Roel Funke

ROEL FUNKE

Vice Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

Attachment 6: January 12, 2023 Planning Commission Meeting Agenda
Packet, Minutes, and Video
(Hyperlink)



The Housing Element update represents a critical opportunity for Brisbane to improve its housing policies in a way that promotes abundant, affordable, and secure housing opportunities for all its residents. While we commend city staff for their efforts in this process, Brisbane's Draft Housing Element still has deficiencies in regard to detailing its pipeline projects that will render it unlikely to receive HCD certification. As such, we recommend that Brisbane add additional evidence to their site inventory in order to meet HCD's pipeline requirements.

Site Inventory & Methodology

Brisbane's RHNA for this sixth cycle Housing Element update is 1,588 housing units. The Housing Element notes that Brisbane lacks adequate sites to meet RHNA, and as such a program was included for rezoning on the Baylands via adoption of a specific plan.

Based in part on the results of Balance Brisbane and the expertise of staff, consultants, and developers, the City identified the Baylands subarea as the most logical site to be put forward as meeting the RHNA plus the buffer, given that a range of 1,800 to 2,200 housing units is permitted per a General Plan Amendment completed in 2019, a single landowner/developer owns the multi-parceled site and is actively pursuing development of the site with housing, and it is vacant.

While the City General Plan allows for 1800-2200 housing units within the Baylands, it is currently zoned commercial C-1, which does not allow for housing. However, a specific plan is in process which will rezone the site for housing consistent with the adopted general plan.

TABLE B.4.1
Sites Inventory by Subarea Affordability Breakdown

<i>Subareas</i>	<i>Total Units</i>	<i>Very Low</i>	<i>Low</i>	<i>Moderate</i>	<i>Above Moderate</i>	<i>Pipeline</i>
Baylands	1,800	145	80	287	1,288	-
Parkside	246	159	87	0	0	-
Central Brisbane	140	1	4	4	131	61
ADUs	40	12	12	12	4	-
Totals	2,226	317	183	303	1,423	-

Table Source: Housing Resources Sites Inventory

1

This site inventory was developed to meet all statutory requirements and provide a realistic and achievable roadmap for the city to meet and exceed RHNA.

¹Appendix B-6



As currently drafted, the site inventory relies on the existence and rezoning of the Baylands in order to meet RHNA requirements. We agree with staff's analysis that the Baylands is an incredible site for housing, and can certainly meet the city's housing requirements.

However, in order for this site to be included in Brisbane's pipeline projects, it must meet HCD's requirement to show schedules for entitlement and development.

Specifically, "While the element may utilize pipeline and potential development projects toward the RHNA, it must also demonstrate their affordability and availability in the planning period. Affordability must be demonstrated based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions). Availability should account for the likelihood of project completion in the planning period and should address the status, necessary steps to issue permits, any barriers to development and other relevant factors.

For availability, the analysis should address the anticipated schedule for development, including completion, any known barriers to development in the planning period, impacts of remediation plans on site availability, infrastructure, phasing requirements, build out horizons and any other factors impacting the availability of sites in the planning period. Based on the outcomes of this analysis, the element should adjust residential capacity assumptions for the planning period.

We ask that staff provide substantial evidence that the Baylands site will be redeveloped and include a written schedule for the entitlement and development process into the Housing Element. Without this additional evidence, the housing element will be rejected from HCD, and Brisbane will be out of compliance.

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

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

- **Amend Program 2.A.2, "Adopt the Baylands/Specific Plan,"** to
 - a. Expedite approval of the Baylands Specific Plan by the end of 2023.
 - b. Expedite all relevant permit processing for the Baylands project.
 - c. Expedite any supplemental environmental review of the Baylands so as to ensure remediation can occur as rapidly as possible.
 - d. Offer concessions and waivers to the Baylands pursuant to density bonus law.

We ask that if staff is going to prioritize the Baylands as the primary opportunity site



for development, that they codify a written schedule for entitlement and development as well as expedite approvals and permitting in order to ensure the Baylands moves forward during this RHNA cycle.

Thank you very much for your consideration,

Ali Sapirman
South Bay & Peninsula Organizer / Affordable Housing
Advocate Housing Action Coalition



Department of Housing and Community Development
Housing Policy Division
January 24, 2023

RE: Comment on Housing Element of the City of Brisbane

On behalf of the Bay Area Council, I write to express my concerns with the City of Brisbane's draft housing element. We urge the Department of Housing and Community Development to not approve a version of its element without clear and reliable commitments to moving forward the Brisbane Baylands project, which represents the vast majority of the housing growth that Brisbane forecasts in its draft housing element.

The Bay Area Council represents 300 of the region's largest businesses, and many of our members have direct experience building in the Bay Area. As a part of developing our comments on all housing elements we work on, we worked with our members to identify the strategies that their experiences teach them would build more housing in the Bay Area. Their perspective is especially valuable because they work in many cities in the Bay Area and can compare Brisbane to other similar jurisdictions.

As the legislative sponsor of SB 828 (Wiener), the Council and our members are especially keen to see housing element law succeed in the Bay Area. In addition to collecting our members' views, the Council developed several principles for housing element review. In general, we look for ways to:

- Reduce or eliminate discretionary review opportunities,
- Identify the cumulative impact of cost drivers, such as fee, and
- Review the approval process and set better timeline goals for project.

In reviewing Brisbane's element, we were challenged to apply these principles because so much of Brisbane's needs are going to be met by the Brisbane Baylands. Given that the Baylands plays such an outsized role in Brisbane's housing element, the City's housing element should follow these three principles to the highest degree possible for that specific project within the housing element itself, which we admit is not a usual practice for a city.

In general, we agree with HCD's request that Brisbane needs to enhance certainty that the City will approve the Baylands within the next year, so that the project can be completed within the housing element cycle period. To accomplish that, Brisbane should establish mandatory timelines for reviewing and approving the project that are clear and create actionable consequences if the City does not meet its own timelines. If these timelines are not met, housing element compliance should be revoked by triggers built into the element itself. There should be bright line tests for how the project is moving

along to ensure that the housing element as a whole is making progress on its housing goals, as most cities must do for their total housing pipeline during the housing element process.

On January 4, 2023, HCD sent a review letter to Brisbane requesting significant changes to its draft housing element. Based on HCD's feedback and the current policy commitments stated in the housing element draft, BAC encourages HCD to ensure that Brisbane's pipeline projections comply with housing element law, which generally requires that pipeline projections be based on past success or reasonably expected under new programmatic commitments to HCD.

To accomplish this, as HCD's letter points out, Brisbane's housing element should include a comprehensive development schedule for the Baylands project. Brisbane should commit to specific, measurable, and attainable programs that facilitate the development. Specifically, BAC recommends Brisbane:

- Provide a detailed schedule for the approval of the Baylands Specific Plan in 2023, entitlement approval by the end of 2024, and supplemental environmental review (if necessary) by the end of 2024.
- Allow environmental remediation to occur concurrently with the entitlement process.
- Support funding applications for the Baylands development, including for any necessary water infrastructure.

Without these changes, Brisbane's pipeline projection cannot reasonably be expected to result from new programmatic commitments or from past performance. To the extent Brisbane adopts the programs we recommend, we believe its housing element should be valid only if they are making progress to those commitments. If Brisbane does not make these commitments, we recommend HCD not certify its element. The Bay Area Council thanks you for the consideration of our comments, and we would be happy to answer any questions you might have.

Best wishes,



Louis Mirante, Bay Area Council
Vice President of Public Policy
lmirante@bayareacouncil.org

SENT VIA EMAIL

CC: City of Brisbane and staff

Brisbane Housing Element 2023- 20XXX

This is a train-wreck waiting to happen. By not questioning the fairness of our double-the-size-of-your-town RHNA number assignment, we are now forced to have shovel to ground-somewhere, anywhere whether appropriate or not, whether safe or not. **These laws amount to extortion...** “Do this or we’re taking away your open space, your environmentally sensitive lands, your parking, your recreation areas... even your CC&R’s...” The law(s) you are trying to comply with, to bypass CEQA for only one element of the General Plan, this is out of balance, it has to be challenged.

Does today create our 30-day window for public comment period? The closing period is not clear. Have you properly informed the public of the changes, amendments since comments from the state? Have you informed the public that the elimination of R-1 will mean your neighbor can multiplex to any height, shade out your solar system, eat up your parking, tie into your sewer lines without any environmental or mitigating compensations?

Stand up to the profit-driven bullies in Sacramento and say NO, we can come up with a better low-income housing plan without destroying our whole town. Our RHNA number compliance is dependent on water availability and **we don't have the water.** We don't have any agreements in place to widen the roads or the myriad of improvements deemed necessary to support the growth for doubling our town.... to just to make 500 low-income units... based on a prior thoughtful community-reflected EIR. Where are your overriding considerations and agreements that the City will now take on these developer obligations? It's implied.

SB 9, SB 10 and a multitude of housing reform laws were placed into service since 2018, the document you referenced for CEQA compliance. The effects of these laws have not been properly vetted. To undergo NO environmental review at the tipping point of the shift from the exercise of RHNA numbers to the implementation anywhere without covenants to mitigate the impacts, is tantamount to conspiring to defraud the citizens. Please don't.

Incorporate by reference information regarding Housing Law changes for 2019, 2020, 2021, 2022.

2019 : <https://www.hklaw.com/en/insights/publications/2018/10/californias-2019-housing-laws-what-you-need-to-know>

2020 : <https://www.hklaw.com/en/insights/publications/2019/10/californias-2020-housing-laws-what-you-need-to-know>

2021: <https://www.hklaw.com/en/insights/publications/2020/09/californias-2021-housing-laws-what-you-need-to-know>

2022 : <https://www.hklaw.com/en/insights/publications/2021/10/californias-2022-housing-laws-what-you-need-to-know>

Brisbane had the mechanism to serve our low-income community's housing needs. It was the 20% set-aside tax revenue from our redevelopment projects. With the capital improvements going on at Sierra Point, and if you were to be sincere in your efforts to provide housing for all segments of the society, you could implement the set-aside requirement and have sufficient funds to produce low-income housing. It worked in the past. It is disciplined and fair.

At the time, we had a city council that made it a priority to produce mandated housing in order to not lose their set-aside funds. Instead, through this multiple-year RHNA exercise, you have

participated in allowing the city of Brisbane to play a game of monopoly with our public housing funds, to withhold funds and sit on properties for over decades, swap out for non-housing uses, and actually lose one unit due to burdensome regulations. There should be more accountability than to look at the issue, once again, and come up with a program at some later date. You have a one-year window for compliance.

The 20% set-aside tax policy works... no need for more time to figure it out, straight to implementation. At least that is a recommendation to make to the council.

You have to look at council and city manager bias as our stumbling block. If you don't, I will. To have a council member refer to this responsibility as serving "those people" with fearful remarks about folks from "the East Bay," and all council members nodding in unison... I think the issue is that our council does not have the capacity to carry out their responsibility to the public. You have a legal background, It's your job to generate laws to protect us from extortionists and fraud. Please do so.

The meeting I refer to council bias is on this clip between the minutes of 30:15 and 30:35.

<https://www.brisbaneca.org/citycouncil/page/joint-city-council-brisbane-gvmid-financing-authority-housing-authority-meeting>

I oppose approving this element because the alternate areas you considered for dense housing may be environmentally sensitive, inappropriate, and have land-use restrictions. We don't have any studies or protections for sea-level rise. Please ask the city for an assessment of mud slides and closed roadways during this last storm event to determine whether denser housing should be allowed on our steep, clay hillsides or safe on our landfills subject to liquefaction. Are we prepared for 4x the housing?

This is a multiplying event with multiple impacts and you choose to not look at them. If approved tonight, you appear to be complicit with this theft. I ask that you vote no or excuse yourselves from creating a law that violates our rights to equal representation by our public officials.

Please recirculate this document. Please inform the public of the true impacts and please create regulations that protect all of us of the theft of our public assets, from wearing-out our infrastructure, all for the benefit of for-profit foreign speculator development.

Thank you,
Dana Dillworth
earthhelp@earthlink.net

File Attachments for Item:

G. Consider Approval Moving Forward with the Center for Age Friendly Excellence's assistance to apply for the Age Friendly Communities certification under the AARP/WHO Network of Age Friendly Communities



CITY COUNCIL AGENDA REPORT

Meeting Date: February 2, 2023

From: Noreen Leek, Parks & Recreation Director

Subject: Introduction of Age-Friendly City Initiative

Community Goal/Result

Community Building

Purpose

To ensure vibrant, sustainable, supportive, and inclusive communities for all generations.

Recommendation

Authorize staff to proceed with the Center for Age Friendly Excellence's (CAFÉ) assistance to apply for the Age Friendly Communities (AFC) certification under the AARP/WHO Network of Age Friendly Communities.

Background

The global network of Age Friendly Cities offers opportunities to address the aging population in a positive and inclusive way. The program provides resources to help communities support individuals to live comfortably in their homes and communities, and also encourages older residents to take an active role in having their voices heard.

The concept of global Age Friendly Cities was developed in 2005 by the World Health Organization (WHO) to help cities consider and implement policies and services to support older adults as they age to live healthy and vibrant lives. According to WHO, population aging and urbanization are two global trends that comprise major forces shaping the 21st century.

WHO also recognize that older people often require supportive and enabling living environments to compensate for physical and social changes associated with aging. Thus, in order to retain a vibrant and enriching population of older adults, cities must provide the structures and services to support their well-being and productivity. Making cities more age-friendly is a necessary and logical response to promote the well-being and contributions of older residents and to keep cities thriving.

WHO has identified eight (8) key domains for establishing an age-friendly community. They include:

1. Housing
2. Transportation
3. Social participation
4. Respect and social inclusion
5. Civic participation and employment
6. Communication and information
7. Community support and health services
8. Outdoor spaces and buildings

Many cities are experiencing rapid increases to their aging population, particularly the proportion of people aged 65 and older. In fact, 10,000 United States adults turn 65 daily, and this will continue through 2030. In 2018, San Mateo County's Board of Supervisors committed to joining WHO's age-friendly, global network and established the San Mateo County Age Friendly Initiative. The County also then partnered with the Center for Age Friendly Excellence (CAFÉ), to help achieve this designation over the coming years. CAFÉ has already collaborated with and designated eleven (11) communities in San Mateo County including: Belmont, Burlingame, Colma, Daly City, Foster City, Half Moon Bay, Millbrae, Pacifica, Redwood City, San Carlos, and San Mateo. The cities of South San Francisco and East Palo Alto have also initiated their process.

To be designated as an "Age Friendly City" through the World Health Organization, Brisbane must demonstrate that it is committed to providing places for older adults to be engaged, as well as social opportunities and services that ensure older adults can thrive and be an active part of the community.

Discussion

Over the next several months, Brisbane would work closely with CAFÉ, who will provide technical assistance, consultation, applied research access, community organizing synergy, coordination of the assessment process, and will also help write the official application to be submitted to WHO for Brisbane to receive the global Age Friendly Cities designation.

The process begins with identifying a task force with various stakeholders to oversee the process, which will include City Councilmembers, City, staff, and other community leaders and residents. The next steps will then be to conduct a series of focus groups to assess the baseline "age-friendliness" of the City using the key domains mentioned above. Focus group and survey results will then be reviewed and indicators will be identified so that progress can be monitored against an action plan. The task force would then recommend potential projects and services for future implementation to address unmet needs.

This will lead up to the completion of the Age Friendly City application, which includes a letter of intent signed by the City Council. Communities that actively demonstrate a commitment to foster the full participation of older people in community life and that promote healthy and active aging are invited to become members of the network and receive formal designations as an Age Friendly City. It should be noted that the expected duration of the task force is for the initial five-month planning stage (at a minimum). Once the planning stage is over, the task force would continue to meet monthly to assist with and guide implementation of inaugural Brisbane Age Friendly community projects.

If the City of Brisbane applies to AARP to participate in the WHO global network of Age Friendly Cities and Communities, and the application is approved, the City is making a five-year commitment to assess the age-friendliness of Brisbane, and to create a plan to make the City more livable for people of all ages.

Fiscal Impact

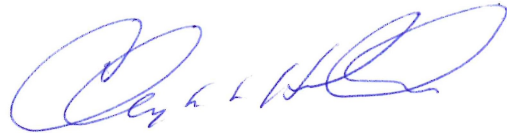
There is no direct fiscal impact associated with the acceptance of this report. If related projects are identified in the future that require additional resources, these would be brought to the City Council for consideration.

Attachments

n/a



Noreen Leek, Parks & Recreation Director



Clay Holstine, City Manager

File Attachments for Item:

H. Consider Approving a Resolution for the 2023 California Climate Investments (CCI) Fire Prevention Grant funding opportunity through CAL FIRE for vegetation management and wildfire preparedness.



CITY COUNCIL AGENDA REPORT

Meeting Date: 02/02/2023

From: Deputy Fire Chief Sean Kavanaugh

Subject: Fire Prevention Grant Funding

Community Goal/Result

Enhance safety within the community of residents, businesses, and visitors.

Purpose

In an effort to enhance the safety within the City of Brisbane through grant funding for community vegetation fuel reduction and community outreach and education.

Recommendation

Approve the resolution for the 2023 California Climate Investments (CCI) Fire Prevention Grant funding opportunity through CAL FIRE for vegetation management and wildfire preparedness.

Background

The Governor and Legislatures approved funding to be awarded through the California Climate Investments (CCI) Fire Prevention Grant Program and others. CAL FIRE provides funding for local projects and activities that address the risk of wildfire and reduce wildfire potential to forested and forest adjacent communities. Grant funded activities include hazardous fuel reduction, fire prevention planning, and fire prevention education with an emphasis on improving public health and safety while reducing greenhouse gas emissions. North County Fire Authority (NCFA) intends to apply for 2 separate grants. One is for fuel reduction (fuel break) work and the other is for public education and community outreach.

For the first grant, NCFA is requesting the amount of \$200, 000. If awarded, it will be used to enhance and continue work on the roadway fuel reduction.

For the next grant, NCFA is requesting \$100,000. If awarded, it will fund community outreach and education for outlining the importance of being ready for wildfires.

It is anticipated that the state will make its decision on which grants will be funded in June 2023.

Fiscal Impact

None

Measure of Success

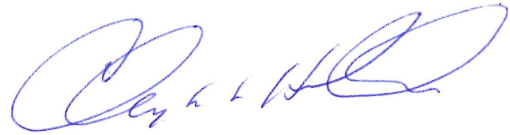
Overall reduction of hazardous vegetation and enhanced wildfire preparedness for the City of Brisbane.

Attachments

1. Resolution

Sean Kavanaugh

Sean Kavanaugh, Deputy Fire Chief



Clay Holstine, City Manager

RESOLUTION NO. 2023-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE.

FOR FUNDING FROM THE FOREST HEALTH GRANT PROGRAM AS PROVIDED THROUGH CALIFORNIA
CLIMATE INVESTMENTS

WHEREAS, the Governor of the State of California in cooperation with the California State Legislature has enacted State of California Greenhouse Gas Reduction Funding, which provides funds to the State of California and its political subdivisions for California Climate Investments, including forest health programs; and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies, non-profit organizations, and others under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant to certify by resolution the approval of application before submission of said application to the State; and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out a forest health project;

NOW, THEREFORE, BE IT RESOLVED that the City of Brisbane:

1. Approved the filing of an application for "California Climate Investments" Forest Health grant program funds; and
2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and,
3. Certifies that funds under the jurisdiction of City of Brisbane are available to begin the project.
4. Certifies that said applicant will expend grant funds prior to March 15, 2029.
5. Appoints the Fire Chief, or a designee, as agent of the North County Fire Authority to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

Madison Davis, Mayor

Approved and adopted the 2nd day of February 2023, I, the undersigned, hereby certify that the foregoing Resolution No. 2023-XX was duly adopted by the following roll call vote:

Ayes:

Noes:

Absent:

Abstain: