



CITY of BRISBANE

City Council Meeting Agenda

Thursday, March 18, 2021 at 7:30 PM • Virtual Meeting

This meeting is compliant with the Governors Executive Order N-29-20 issued on March 17, 2020 allowing for deviation of teleconference rules required by the Brown Act. The purpose of this is to provide the safest environment for staff, Councilmembers and the public while allowing for public participation. The public may address the council using exclusively remote public comment options. The Council may take action on any item listed in the agenda.

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TO ADDRESS THE COUNCIL

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SPECIAL ASSISTANCE

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

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

2. ROLL CALL

3. ADOPTION OF AGENDA

4. AWARDS AND PRESENTATIONS

- A. Consider Approval of Resolution No. 2021-25 Denouncing Racism and Affirming the City's Commitment to the Well-Being and Safety of the Asian American Pacific Islander Community

5. ORAL COMMUNICATIONS NO. 1

6. CONSENT CALENDAR

- B. Approve Minutes of City Council Closed Session Meeting of March 4, 2021
- C. Approve Minutes of City Council Meeting of March 4, 2021
- D. Accept Open Space and Ecology Committee 2021 Work Plan
- E. Accept Complete Streets Safety Committee 2021 Work Plan
- F. Approve Resolution No. 2021-24 to Express Support for Protecting Local Decision Making on Planning and Land Use Issue
- G. Introduce Ordinance No. 659 for Permit Streamlining for Electric Vehicle Charging Stations

7. NEW BUSINESS

- H. Consider Introduction of Ordinance No. 660 for Disposable Food Ware

(The purpose of introducing Ordinance No. 660 will ultimately allow the County of San Mateo to perform education and enforcement services on the use of disposable food service ware in the City of Brisbane)

8. WORKSHOP

- I. Review Preliminary Draft for Crocker Trail Master Plan

9. STAFF REPORTS

- J. City Manager's Report on upcoming activities

10. MAYOR/COUNCIL MATTERS

K. Countywide Assignments and Subcommittee Reports

L. City Council Meeting Schedule

M. Written Communications

11. ORAL COMMUNICATIONS NO. 2

12. ADJOURNMENT

File Attachments for Item:

A. Consider Approval of Resolution No. 2021-25 Denouncing Racism and Affirming the City's Commitment to the Well-Being and Safety of the Asian American Pacific Islander Community



CITY COUNCIL AGENDA REPORT

Meeting Date: March 18, 2021

From: City Manager Clay Holstine

Subject: Resolution No. 2021-25 Denouncing Racism and Affirming the City's Commitment to the Well-Being and Safety of the Asian American Pacific Islander Community

Community Goal/Result

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

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

Recommendation

Adopt Resolution Denouncing Racism and Affirming the City's Commitment to the well-being and safety of the Asian American Pacific Islander Community.

Discussion

During the COVID-19 pandemic, across the Country, there has been an alarming increase of harassment, discrimination, and violence against the Asian American Pacific Islander (AAPI) community. Asian American Pacific Islanders have been targeted and blamed for the COVID-19 outbreak due to the prevalence of racist rhetoric like calling COVID-19 the "Chinese flu" and the lack of understanding of the Asian American Pacific Islander experience in this country. The group Stop Asian American Pacific Islander Hate reported that they have received 3,000 reports of anti-Asian American Pacific Islander incidences from 47 states and Washington D.C. since March of 2020.

About 30% of the City of Brisbane's population is of Asian descent, which is significantly higher compared with 15% for the State of California. A resident reached out to the City Council and City staff asking what the City can do to denounce the racism and increased violence against the Asian American Community and how can the city be more inclusive to the Asian American Pacific Islander community.

In response to the community concerns, the proposed resolution affirms the City's commitment to the well-being and safety of the Asian American and Pacific Islander community. Also, the City will cosponsor a community-led vigil in the Brisbane Community Park on March 20, 2021 to stand in solidarity with the Asian American Pacific Islander Community and denounce racism in all forms.

Fiscal Impact

None

Attachment

Resolution No. 2021-25

Clayton L. Holstine
Clay Holstine, City Manager

RESOLUTION NO. 2021-25**A RESOLUTION OF THE CITY OF BRISBANE CITY COUNCIL DENOUNCING XENOPHOBIA, RACISM, AND ANTI-ASIAN SENTIMENT DUE TO FEARS OF THE COVID-19 PANDEMIC AND AFFIRMING THE CITY'S COMMITMENT TO THE WELL-BEING AND SAFETY OF ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES**

WHEREAS, hate crimes, discrimination, and aggression against Asian Americans are on the rise throughout the country as Asian American Pacific Islander ethnic groups are being blamed for the COVID-19 outbreak; and

WHEREAS, since the outbreak of the COVID-19 virus, according to the Centers for Disease Control and Prevention, 29,506,986 cases and 535,758 deaths have been reported in the United States as of March 12, 2021; and

WHEREAS, scientists have confirmed that the COVID-19 disease does not respect borders and is not caused by ethnicity; and

WHEREAS, approximately 30 percent of the City of Brisbane's 4,692 residents are of Asian heritage, compared with 15.3 percent for the State of California; and

WHEREAS, as the COVID-19 virus has spread, Asian Americans and Pacific Islanders have reported experiencing offensive comments and actions related to their race, racial profiling, hate incidents, and, in some cases, violence, hospitalization, and tragically, even death as a result of their assault; and

WHEREAS, since March 19, 2020, the organization Stop AAPI (Asian American Pacific Islander) Hate received about 3,000 of first-hand reports of anti-Asian hate across 47 states and Washington, D.C.; and

WHEREAS, COVID-19 is a public health issue, not a racial one and using racist rhetoric to characterize COVID-19, such as "Chinese virus", only encourages hate crimes and incidents against Asian Americans and Pacific Islanders at a time when communities should be working together to get through this crisis; and

WHEREAS, on March 20, 2021, a community-led vigil will be held in the Brisbane Community Park to stand with Asian Americans and Pacific Islanders in solidarity to denounce racism; and

WHEREAS, it is critical that the City take leadership and stand in solidarity with its Asian American Pacific Islander communities to send a message that racist and hate-motivated behavior will not be tolerated; and

WHEREAS, all persons are encouraged to report any such xenophobic, racist, or discriminatory incidents to the proper authorities for investigation; and

WHEREAS, the City of Brisbane wishes to affirm its commitment to the well-being and safety of its Asian American Pacific Islander community members and ensure they know they are welcomed, respected, and valued, and that their city stands united against hate.

NOW, THEREFORE, BE IT RESOLVED that the City of Brisbane hereby denounces xenophobia, racism, and anti-Asian sentiment and joins cities, counties, and states across the country in affirming its commitment to the safety and well-being of Asian Americans and Pacific Islanders and in combatting hate crimes targeting them; and

BE IT FURTHER RESOLVED that the City will continue its efforts to protect and aid victims of hate acts related to COVID-19 in partnership with local nonprofits, community volunteers, and our law enforcement partners.

Karen Cunningham, Mayor

I hereby certify that the foregoing Resolution No. 2021- was duly and regularly adopted at the regular meeting of the Brisbane City Council on March 18, 2021 by the following vote:

AYES:

NOES

ABSTAIN:

ABSENT:

Ingrid Padilla, City Clerk

File Attachments for Item:

B. Approve Minutes of City Council Closed Session Meeting of March 4, 2021



BRISBANE CITY COUNCIL**ACTION MINUTES**

CITY OF BRISBANE CITY COUNCIL CLOSED SESSION MEETING AGENDA**THURSDAY, MARCH 4, 2021*****VIRTUAL MEETING*****1. 6:30 P.M. CLOSED SESSION**

- A. Approval of the Closed Session Agenda
- B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda
- C. Adjournment into Closed Session
- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION; Significant exposure to litigation pursuant to paragraph (2) of subsection (d) of Government Code Section 54956.9; 1 potential case
- E. Liability Claim: Claimant Alexander, pursuant to Government Code, section 54956.95

ADJOURNMENT

Mayor Cunningham called the Closed Session Meeting to order at 6:33 P.M. CM O'Connell made the motion, seconded by CM Davis to move up Closed Session Item E ahead of Closed Session Item D, and approve the agenda as amended. No member of the public wished to speak during public comment. Mayor Cunningham adjourned the meeting into Closed Session. Mayor Cunningham adjourned the Closed Session Meeting of March 4, 2021 at 7:35 P.M.

REPORT OUT OF CLOSED SESSION

Interim City Attorney McMorro reported that Council gave staff direction regarding Closed Session Item D and denied the liability claim in Closed Session Item E.

Ingrid Padilla
City Clerk

C.

File Attachments for Item:

C. Approve Minutes of City Council Meeting of March 4, 2021



BRISBANE CITY COUNCIL

ACTION MINUTES

**BRISBANE JOINT CITY COUNCIL AND
HOUSING AUTHORITY MEETING AGENDA**

THURSDAY, MARCH 4, 2021

VIRTUAL MEETING

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Cunningham called the meeting to order at 7:40 P.M. and led the Pledge of Allegiance.

ROLL CALL

Councilmembers present: Councilmembers Davis, Lentz, Mackin, and Mayor Cunningham

Councilmembers absent: Councilmember O'Connell

Staff Present: City Manager Holstine, City Clerk Padilla, Interim City Attorney McMorrow, Director of Administrative Services Schillinger, Community Development Director Swiecki, Associate Planner Robbins, Administrative Management Analyst Ibarra, Inspector Preston, and Police Chief Macias

REPORT OUT OF CLOSED SESSION

Interim City Attorney McMorrow reported that Council gave staff direction regarding Closed Session Item D and denied the liability claim in Closed Session Item E.

ADOPTION OF AGENDA

CM Mackin made a motion, seconded by CM Davis, to approve the agenda as it stands. The motion passes unanimously by all present.

Ayes: Councilmembers Davis, Lentz, Mackin and Mayor Cunningham

Noes: None

Absent: Councilmember O'Connell

AWARDS AND PRESENTATIONS

Mayor Cunningham acknowledged that March is Women's History Month. She called on members of the public to subscribe to the Blast/City Manager's Weekly update to receive more information on notable accomplishments around women's history and women's rights.

ORAL COMMUNICATIONS NO. 1

No members of the public wished to make public comment.

CONSENT CALENDAR

- A. Approve Minutes of City Council Meeting of February 4, 2021**
- B. Approve Minutes of City Council Closed Session Meeting of February 18, 2021**
- C. Approve Minutes of City Council Meeting of February 18, 2021**
- D. Accept Investment Report as of January 2021**
- E. Adopt Resolution No. 2021-23 Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic**

CM Mackin made a request to pull Consent Calendar Item F for Discussion. CM Davis made a motion, seconded by CM Lentz, to approve Consent Calendar Items A-E. The motion passes unanimously by all present.

Ayes: Councilmembers Davis, Lentz, Mackin and Mayor Cunningham

Noes: None

Absent: Councilmember O'Connell

- F. Accept the 2020 Annual General Plan and Housing Element Progress Reports**

After some Council discussion with staff, CM Davis, seconded by CM Mackin, made a motion, seconded by CM Lentz, to approve Consent Calendar Items F. The motion passes unanimously by all present.

Ayes: Councilmembers Davis, Lentz, Mackin and Mayor Cunningham

Noes: None

Absent: Councilmember O'Connell

STAFF REPORTS

G. City Manager's Report on upcoming activities

City Manager Holstine reported out on the upcoming City activities and latest news.

MAYOR/COUNCIL MATTERS

H. Countywide Assignments and Subcommittee Reports

Councilmembers reported their activities in the following assignments:

- Liaison to EPIC Subcommittee
- Peninsula Clean Energy JPA
- Liaison to Complete Streets Safety Committee Subcommittee

I. City Council Meeting Schedule

The next City Council meeting is scheduled for March 18, 2021.

J. Written Communications

Councilmembers received the following written correspondence from February 18, 2021 through March 4, 2021:

- Gary and Trish Adams (2/19/21) Closure of the Brisbane Bank of America Branch
- Nancy Lacsamana (2/27/21) Sam Trans Reimagine Study with possible suggestion to stop #292 going into SF
- Prem Lall (2/25/21) ATM- Exploring a San Mateo Credit Union Branch in Brisbane
- Lizzi Nickerson (Environmental California) 3/4/21) Deadline Friday: Sign-on to Support a strong national infrastructure plan

ORAL COMMUNICATIONS NO. 2

Barbara Ebel commended that she had further questions about the General Plan. She also spoke about the City needing to meet its moral obligation for low income housing.

ADJOURNMENT

Mayor Cunningham adjourned the meeting at 8:12 P.M.

D.

File Attachments for Item:

D. Accept Open Space and Ecology Committee 2021 Work Plan



CITY COUNCIL AGENDA REPORT

Meeting Date: March 18, 2021

From: Karen Kinser, Deputy Director of Public Works

Subject: OSEC 2021 Work Plan

Community Goal/Result

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

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

Purpose

To review and approve the annual workplan for a Council-appointed citizen advisory committee

Recommendation

Adopt Open Space and Ecology Committee's (OSEC) Work Plan for 2021

Background

On January 19, 2021, Council liaisons to OSEC, Mayor Karen Cunningham and Council Member Terry O'Connell, met with OSEC representatives Chair Mary Rogers and Acting Vice Chair Michele Salmon and staff.

Discussion

Council liaisons reviewed and gave their approval to the attached OSEC workplan for 2021.

Fiscal Impact

No fiscal impact.

Measure of Success

OSEC has a blueprint for their endeavors for 2021

Attachments

1. OSEC 2021 Work Plan

Karen Kinser, Deputy Director of Public Works

Randy Breault, Public Works Director

Clay Holstine, City Manager



Open Space and Ecology Committee Work Plan 2021



1. Implementation of the Climate Action Plan - OSEC to work with staff on implementing 2015 CAP measures and providing outreach

Energy

- Launch Brisbane Building Efficiency Program with first mandatory compliance and reporting
- Lighting/dark skies ordinance based on existing model ordinance by Int'l Dark Sky Assn.

Solid Waste

- Adopt a Disposable Food Ware Ordinance aligned with County's
- Promote opportunities to reuse, recycle and compost in the community and at city facilities
- Reduce municipal waste w/implementation of Sustainable Purchasing Guide

Water

- Continue participation in BAWSCA water savings programs and community education

Road Emissions/Transportation

- Promote, facilitate and where possible pursue the installation of Electric Vehicle Charging Infrastructure
- Educate staff and community regarding transit options; promote continued telework where feasible
- Consider city staff pilot program incentivizing alternative commutes when practicable
- Pursue purchase of low emission/electric/hybrid vehicles where applicable

2. Coordinate 2030 Climate Action Plan update with Baylands Specific Plan; consider Climate Emergency Declaration in the interim.
3. Vegetation Management Plan for city-owned Brisbane Acres
 - Review and approve annual vegetation management plan developed by staff and consultant/contractor
 - Plan for volunteer maintenance of Firth Canyon
4. Other Habitat Restoration
 - Choose locations and coordinate three to four habitat restoration days per year
 - Study and draft invasive species ordinance for areas within and adjacent to Brisbane Acres; consider invasive species overlay zone
5. Education and Outreach
 - Day in the Park community festival
 - Bike to Work Day
 - Lipman Science Fair
 - Publications through City News/Star/Cable TV/City website/City social media sites
 - Investigate opportunities for display in new library

6. Crocker/Guadalupe Valley Trail Master Plan participation; seek funding opportunities to improve habitat.
7. Provide policy recommendation to Council regarding updating 2001 Open Space Plan
8. Provide input on design of Baylands open space upon Council approval of land use
9. General Plan - Review of future proposed updates to Open Space Element upon direction from City Council

E.

File Attachments for Item:

E. Accept Complete Streets Safety Committee 2021 Work Plan



CITY COUNCIL AGENDA REPORT

Meeting Date: March 18, 2021

From: Karen Kinser, Deputy Director of Public Works

Subject: CSSC 2021 Work Plan

Community Goal/Result

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

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

Purpose

To review and approve the annual workplan for a Council-appointed citizen advisory committee

Recommendation

Adopt the Complete Streets Safety Committee's (CSSC) Work Plan for 2021

Background

On February 22, 2021, Council liaisons to CSSC, Mayor Karen Cunningham and Council Member Coleen Mackin, met with CSSC representatives Chair James Christie and Vice Chair Linda Dettmer and staff.

Discussion

Council liaisons reviewed and gave their approval to the attached CSSC workplan for 2021.

Fiscal Impact

No fiscal impact.

Measure of Success

CSSC has a blueprint for their endeavors for 2021

Attachments

1. CSSC 2021 Work Plan

Karen Kinser, Deputy Director of Public Works

Randy Breault, Public Works Director

Clay Holstine, City Manager

Complete Streets Safety Committee

2021 Work Plan

1. Study extension of Pedestrian Routes beyond initial study area
2. Develop education/outreach to schools and the public regarding Pedestrian Routes to Schools
3. Review existing shuttle service and evaluate opportunities for improving service and amenities at stops
4. Study sightline/safety at specific intersections (Alvarado/San Bruno, Klamath/Sierra Point, Monterey/San Bruno, Tulare/San Bruno, Thomas/San Bruno) and offer enhancement recommendations (carried over from prior year)
5. Review improvements to the San Bruno/Bayshore intersection for safety
6. Investigation of potential for one-way streets and “slow streets” – Mariposa and Monterey between Visitacion and Solano, San Benito between Glen Pkwy and Sierra Point Rd
7. Review parking issues in Central Brisbane and develop recommendations
8. Review bicycle safety issues on Old County after installation of Share the Road signs
9. Consider opportunities to enhance emergency vehicle ingress and resident egress on Tulare
10. Receive and comment on Baylands transportation circulation plans or proposals referred by Director of Public Works or City Manager

File Attachments for Item:

F. Approve Resolution No. 2021-24 to Express Support for Protecting Local Decision Making on Planning and Land Use Issue



CITY COUNCIL AGENDA REPORT

Meeting Date: March 18, 2021

From: Thomas R. McMorrow

Subject: Resolution to Express Support for Protecting Local Decision Making on Planning and Land Use Issue

BACKGROUND

In recent years, the state legislature has proposed a number of bills that would infringe on or outright usurp the authority of local jurisdictions to determine their own planning and zoning policies.

Many of these bills would impose mandates that exacerbates the impacts to the city's budget, infrastructure, environmental sustainability, traffic congestion, parking and parklands.

In response to the state legislature's repeated consideration of legislation that would undermine the principle of local control over local land use decisions, on August 27, 2020, Council Member Michael Griffiths from the City of Torrance called on cities across the state to adopt a resolution expressing support for the position that local land use decision-making should remain within the purview of local governments and not be dictated by the state.

At the request of individual members of the City Council, attached is a proposed resolution that, upon adoption, would establish that it is the City Council's view that the state legislature should not involve itself in local land use decisions.

PROPOSED RESOLUTION

A primary purpose of land use planning and zoning is to be able to regulate and to monitor land and property markets to ensure complementary uses and to address cumulative infrastructure and environmental impacts. Growth must be paced, evaluated, measured, and planned for what is unique to the city and community and its best interests. For these and other good reasons, planning and zoning should remain within the jurisdiction of locally elected governments.

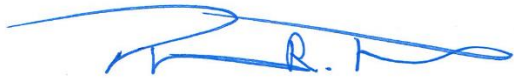
The proposed resolution, upon adoption, would respond to Council Member Griffith's call by confirming that it is the City Council's view that local land use decisions should be made by locally elected officials.

Staff recommends adoption of the proposed resolution. The resolution simply recognizes that our nation has thrived under a federal system of government that divides powers between our federal government and state and local governments. It further recognizes that our state has thrived – becoming the fifth largest economy in the world – by following the federal model and

having decisions of statewide importance decided by the state and decisions of local importance decided by the local elected officials closest to the people, namely city councils. Land use decisions are a quintessentially local issue and authority over them should reside with cities.

Attachment:

- Attachment A: Proposed Local Control Resolution



Thomas McMorrow, Interim City Attorney



Clay Holstine, City Manager

ATTACHMENT A**RESOLUTION NO. 2021-24****RESOLUTION OF THE COUNCIL OF THE CITY OF BRISBANE EXPRESSING SUPPORT THE POSITION THAT LOCAL LAND USE DECISIONS SHOULD REMAIN WITHIN THE PURVIEW OF LOCAL GOVERNMENT ALONE**

WHEREAS, since 2016 the legislature of the State of California has proposed and passed a number of bills that would infringe on the power of local governments to make land use decisions, many of which have been signed into law by the governor; and

WHEREAS, the legislature of the State of California does not sufficiently consult with local governments as to the need for and unintended consequences of such legislation; and

WHEREAS, many of the bills infringing on the power of local governments to make land use decisions impose mandates that have the effect of outright usurping local decision-making authority;

WHEREAS, the ability of local jurisdictions to determine for themselves their own land use policies and practices based on the circumstances and needs of the local jurisdiction;

WHEREAS, the City Council of the City of Brisbane feels strongly that the state must respect the long-established and successful role of local government in our federal system and not interfere with the City's authority to assess and respond to local circumstances and needs in the community;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE, CALIFORNIA, DOES HEREBY RESOLVES AS FOLLOWS:

SECTION 1. That the City of Brisbane is strongly opposed to the current practice of the legislature of the State of California of continually proposing and passing bills that would directly impact and interfere with local decision-making over land use policies and practices; and

SECTION 2. That the Brisbane states its general support of the California Citizens for Local Control volunteer organization and its efforts to protect cities' control over land use decision-making within their jurisdictions, including through locally-determined zoning and planning policies.

PASSED, APPROVED AND ADOPTED this 18th day of March 2021.

G.

File Attachments for Item:

G. Introduce Ordinance No. 659 for Permit Streamlining for Electric Vehicle Charging Stations



CITY COUNCIL AGENDA REPORT

Meeting Date: March 18, 2021

From: John Swiecki, Community Development Director

Subject: Introduction of Draft Ordinance 659-Permit Streamlining for Electric Vehicle Charging Stations

COMMUNITY GOAL/RESULT

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

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

PURPOSE

To adopt a local permit streamlining ordinance for electric vehicle charging stations (EVCS) consistent with the requirements of state law.

RECOMMENDATION

That the City Council introduce Ordinance 659.

BACKGROUND

In order to promote the use of electric vehicles over fossil fuel consuming vehicles for GHG reduction, in 2015 the state adopted Assembly Bill No. 1236 which required cities and counties to administratively approve applications for EVCS, unless the proposed installation would have a specific adverse impact upon public health or safety. The bill further required cities and counties to adopt this permit streamlining into local ordinance and to create a checklist for EVCS applicants.

Consistent with the intent of AB 1236, Brisbane has been processing EVCS through the building permit process and has made a checklist of technical requirements available to applicants through the Building Department's webpage and through an over-the-counter handout. However, the City has not yet adopted a local permit streamlining ordinance formalizing these procedures.

DISCUSSION

As indicated above, state law places requirements on cities and counties to allow for permitting of EVCS through an administrative process, with a finding of no adverse impact on public health and safety on specific applications.

While Brisbane currently implements administrative review of EVSC via the building permit process, the draft ordinance would codify Brisbane’s existing process for reviewing EVCS thereby complying with the provisions of state law. The proposed ordinance would add chapter 15.86 – “Electric Vehicle Charging Station Permit Streamlining” to the City’s Building Code, Title 15. Additionally, sub-section 15.12.160.C would be added to the “Building Permit-Issuance Procedure” section, to provide a cross reference to the new chapter 15.86.

Substantive provisions of the ordinance include:

- The City would continue to process EVCS through building permit review, providing a checklist and electronic application portal to EVCS applicants.
- When an applicant applies for a building permit for EVCS, whether residential or non-residential, they would be need to provide documentation demonstrating that the EVCS would not have an adverse impact on public health or safety
- Permit applications would be subject to a 15-business day turnaround time for review. Typically, review would either result in notice of approval being provided to the applicant or correction items to achieve compliance with the building code.
- An EVCS application can only be denied on health and safety grounds. If an EVCS building permit application were denied or conditions were imposed by the Building Official to address an adverse health or safety impact, the applicant may appeal the Building Official’s decision to the City Manager.

FISCAL IMPACT

None. Cost recovery for review and inspection is through building permit fees.

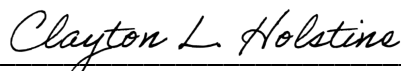
MEASURE OF SUCCESS

Compliance with state law for permit streamlining of EVCS and furthering the use of electric vehicles consistent with the City’s Climate Action Plan goals for the reduction of GHG emissions.

ATTACHMENTS

1. Draft City Ordinance No. 659
2. Redlined Draft Ordinance No. 659


 John Swiecki, Community Development Director


 Clay Holstine, City Manager

ATTACHMENT 1

---Draft ---
ORDINANCE NO. 659__

**AN ORDINANCE OF THE CITY OF BRISBANE
 TO AMEND SECTION 15.12.160 OF THE BRISBANE MUNICIPAL CODE AND
 ADDING CHAPTER 15.86, ELECTRIC VEHICLE CHARGING STATION PERMIT
 STREAMLINING, TO THE BRISBANE MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF BRISBANE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The City Council finds and determines that:

- A. Use of fossil fuel vehicles is a primary contributor to transportation emissions and availability of EV charging infrastructure, which is furthered by permit streamlining, is a critical component to EV adoption over the continued use of fossil fuel reliant vehicles.
- B. Section 65850.7 of the California Government Code provides that every city shall adopt an ordinance that creates an expedited, streamlined permitting process for Electric Vehicle Charging Stations.
- C. Adoption of this ordinance will meet the requirements of Section 65850.7 of the California Government Code.
- D. The actions contained in this ordinance comply with the California Environmental Quality Act (CEQA), being exempt pursuant to the General Rule (14 C.C.R. Section 15061 (b)(3)) because this ordinance involves updates and revisions to existing administrative building permit regulations consistent with California law, specifically Government Code section 65850.7. Additionally, the adoption of this ordinance is categorically exempt per CEQA Sections 15307 and 15308, actions by regulatory agencies in support of state and local climate action goals and for protection of the environment.

SECTION 2: Section 15.12.160 of the Brisbane Municipal Code is amended to read as follows:

15.12.160 - Building permit—Issuance procedure

- A. The building official shall issue building permits in accordance with the procedure set forth in Sections 15.12.170 through 15.12.200.
- B. Issuance of building permits for installation of small residential rooftop solar energy systems, as defined in Chapter 15.82 of this title, shall conform to the requirements of the solar streamlining policy on file with the community development department.
- C. Issuance of building permits for installation of electric vehicle charging stations shall conform with Chapter 15.86 of this title.

SECTION 3: Chapter 15.86, “Electric Vehicle Charging Station Permit Streamlining” is added to read as follows:

Chapter 15.86- Electric Vehicle Charging Station Permit Streamlining

15.86.010 Title.

This chapter shall be known as the City of Brisbane Electric Vehicle Charging Station Permit Streamlining Ordinance.

15.86.020 Purpose of Chapter

This chapter is adopted for the following purposes:

- A. To comply with California Government Code Section 65850.7.
- B. To provide an expedited, streamlined permitting process for Electric Vehicle Charging Stations.
- C. To continue to address life-safety issues **for** electric vehicle charging stations through the building permit process.
- D. To further the purposes of Chapter 15.84 of this Code (Electric Vehicle Infrastructure) concerning the requirements for electrical vehicle charging infrastructure as part of new development projects.

15.86.030 Applicability.

- A. This chapter shall apply to any level of an electric vehicle supply equipment station that is designed and built to deliver electricity from a source outside an electric vehicle to a plug-in electric vehicle as defined in Section 15.86.040.B.
- B. This chapter shall not apply to electric vehicle charging stations that were legally established prior to the effective date of this ordinance, unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station such that a building permit would be required. Routine operation and maintenance or like-kind replacements with no structural alterations shall not require a permit.

15.86.040 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings:

- A. "Electronic submittal" means using the City's online portal or the Internet.
- B. "Electric vehicle charging station" or "charging station" means any level of an electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electric Code, as it reads on January 1, 2019 or subsequently adopted amendments, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- C. "Specific adverse impact" means a significant, quantifiable, direct, or unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- D. "Building official" is the community development director and the duties specified herein may be assigned to the director's designee.
- E. "Unusual circumstances" means the City's resources have been limited due to such things as response to a declaration of local emergency, natural disaster, pandemic or similar unforeseen events.

15.86.050 Application Requirements and Procedures

An electric vehicle charging station shall require a building permit subject to the requirements and procedures set forth in Sections 15.86.050.A-D. These sections apply to the permitting of all electric vehicle charging stations in the City.

A. Requirements (as set forth in Government Code, Section 65870.7).

1. Electric vehicle charging stations shall meet all applicable health and safety requirements imposed by the State and the City.
2. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electric Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and the accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

B. Application Streamlining

1. The City's permitting procedures shall comply with Government Code Section 65870.7. The City shall:
 - a. Provide an administratively adopted building permit checklist of requirements and application form that will available through the City's website.
 - b. Accept an applicant's electronic signature on all forms, applications, and other documents.
 - c. Administratively approve building permit applications that comply with all requirements.
 - d. Limit its review and requirements to those standards and regulations necessary to ensure there is no specific adverse impact on public health or safety by the proposed installation.
 - e. Complete its review of each building permit application and, except in the event of unusual circumstances, provide the applicant with written notice of the status of the application within 15 business days. This shall include one of the following: notice of approval based on the finding provided in section 15.86.050.C.1, notice of an incomplete application with deficiencies indicated, or notice of denial based on the finding provided in section 15.86.050.C.2.
2. Application Requirements:
 - a. As required by the building official, the applicant shall complete and submit the charging station building permit checklist, application form, plans and supplemental documentation and shall submit payment of adopted application fees to the City.
 - b. Through the application for a building permit, the applicant shall provide documentation demonstrating that the installation of an electric vehicle charging station will not have a specific adverse impact to public health and safety or any building occupants, such verification shall include but not be limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

- c. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

C. Findings

1. Approval: The building official shall approve a complete permit application that meets the required standards and approved checklist demonstrating that the electric vehicle charging station will not have a specific adverse impact on public health or safety.
2. Denial: The building official shall not approve a complete permit application where it is found that the proposed electric vehicle charging station would have a specific adverse impact upon the public health or safety and there is no known condition of approval that may be applied to mitigate the specific adverse impact given the circumstances of the application. The building official shall provide to the applicant in writing such finding when made. .

D. Conditions of Approval

1. If necessary to meet the finding provided in Section 15.86.050.C.1, the building official may impose condition(s) of approval, but such condition(s) shall be limited to those designed to mitigate the specific adverse impact upon the public health and safety at the lowest feasible cost.
2. The City shall not condition its approval on the approval of an association as that term is defined on Section 4080 of the State Civil Code.

15.86.60 Appeals

- A. The applicant may appeal the building official's action or conditions imposed and such shall be made to the city manager in writing, clearly stating the reason for appeal, and filed with the city clerk within ten (10) calendar days after the final action of the building official.
- B. The city manager shall consider the appeal within thirty (30) days and may affirm, reverse or modify the director's decision concerning the department decision. The decision of the city manager shall be final.

SECTION 4: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 5: This Ordinance shall be in full force and effect 30 days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the ____ day of _____ 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

LEGAL COUNSEL

ATTACHMENT 2**REDLINED
DRAFT ORDINANCE NO. 659__**

Note that the text shown below in red would be added to the Brisbane Municipal Code. Text shown in grey is already in the Brisbane Municipal Code.

SECTION 2: Section 15.12.160 of the Brisbane Municipal Code is amended to read as follows:

15.12.160 - Building permit—Issuance procedure

A. The building official shall issue building permits in accordance with the procedure set forth in Sections 15.12.170 through 15.12.200.

B. Issuance of building permits for installation of small residential rooftop solar energy systems, as defined in Chapter 15.82 of this title, shall conform to the requirements of the solar streamlining policy on file with the community development department.

C. Issuance of building permits for installation of electric vehicle charging stations shall conform with Chapter 15.86 of this title.

SECTION 3: Chapter 15.86, “Electric Vehicle Charging Station Permit Streamlining” is added to read as follows:

Chapter 15.86- Electric Vehicle Charging Station Permit Streamlining

15.86.010 Title.

This chapter shall be known as the City of Brisbane Electric Vehicle Charging Station Permit Streamlining Ordinance.

15.86.020 Purpose of Chapter

This chapter is adopted for the following purposes:

- A. To comply with California Government Code Section 65850.7.
- B. To provide an expedited, streamlined permitting process for Electric Vehicle Charging Stations.
- C. To continue to address life-safety issues for electric vehicle charging stations through the building permit process.
- D. To further the purposes of Chapter 15.84 of this Code (Electric Vehicle Infrastructure) concerning the requirements for electrical vehicle charging infrastructure as part of new development projects.

15.86.030 Applicability.

- A. This chapter shall apply to any level of an electric vehicle supply equipment station that is designed and built to deliver electricity from a source outside an electric vehicle to a plug-in electric vehicle as defined in Section 15.86.040.B.
- B. This chapter shall not apply to electric vehicle charging stations that were legally established prior to the effective date of this ordinance, unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station such that a building permit would be required. Routine operation and maintenance or like-kind replacements with no structural alterations shall not require a permit.

15.86.040 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings:

- A. "Electronic submittal" means using the City's online portal or the Internet.
- B. "Electric vehicle charging station" or "charging station" means any level of an electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electric Code, as it reads on January 1, 2019 or subsequently adopted amendments, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- C. "Specific adverse impact" means a significant, quantifiable, direct, or unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- D. "Building official" is the community development director and the duties specified herein may be assigned to the director's designee.
- E. "Unusual circumstances" means the City's resources have been limited due to such things as response to a declaration of local emergency, natural disaster, pandemic or similar unforeseen events.

15.86.050 Application Requirements and Procedures

An electric vehicle charging station shall require a building permit subject to the requirements and procedures set forth in Sections 15.86.050.A-D. These sections apply to the permitting of all electric vehicle charging stations in the City.

A. Requirements (as set forth in Government Code, Section 65870.7).

- 1. Electric vehicle charging stations shall meet all applicable health and safety requirements imposed by the State and the City.
- 2. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electric Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and the accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

B. Application Streamlining

- 1. The City's permitting procedures shall comply with Government Code Section 65870.7. The City shall:

- a. Provide an administratively adopted building permit checklist of requirements and application form that will available through the City's website.
- b. Accept an applicant's electronic signature on all forms, applications, and other documents.
- c. Administratively approve building permit applications that comply with all requirements.
- d. Limit its review and requirements to those standards and regulations necessary to ensure there is no specific adverse impact on public health or safety by the proposed installation.
- e. Complete its review of each building permit application and, except in the event of unusual circumstances, provide the applicant with written notice of the status of the application within 15 business days. This shall include one of the following: notice of approval based on the finding provided in section 15.86.050.C.1, notice of an incomplete application with deficiencies indicated, or notice of denial based on the finding provided in section 15.86.050.C.2.

2. Application Requirements:

- a. As required by the building official, the applicant shall complete and submit the charging station building permit checklist, application form, plans and supplemental documentation and shall submit payment of adopted application fees to the City.
- b. Through the application for a building permit, the applicant shall provide documentation demonstrating that the installation of an electric vehicle charging station will not have a specific adverse impact to public health and safety or any building occupants, such verification shall include but not be limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
- c. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

C. Findings

1. Approval: The building official shall approve a complete permit application that meets the required standards and approved checklist demonstrating that the electric vehicle charging station will not have a specific adverse impact on public health or safety.
2. Denial: The building official shall not approve a complete permit application where it is found that the proposed electric vehicle charging station would have a specific adverse impact upon the public health or safety and there is no known condition of approval that may be applied to mitigate the specific adverse impact given the circumstances of the application. The building official shall provide to the applicant in writing such finding when made. .

D. Conditions of Approval

1. If necessary to meet the finding provided in Section 15.86.050.C.1, the building official may impose condition(s) of approval, but such condition(s) shall be limited to those designed to mitigate the specific adverse impact upon the public health and safety at the lowest feasible cost.
2. The City shall not condition its approval on the approval of an association as that term is defined on Section 4080 of the State Civil Code.

15.86.60 Appeals

- A. The applicant may appeal the building official's action or conditions imposed and such shall be made to the city manager in writing, clearly stating the reason for appeal, and filed with the city clerk within ten (10) calendar days after the final action of the building official.
- B. The city manager shall consider the appeal within thirty (30) days and may affirm, reverse or modify the director's decision concerning the department decision. The decision of the city manager shall be final.

File Attachments for Item:

H. Consider Introduction of Ordinance No. 660 for Disposable Food Ware

(The purpose of introducing Ordinance No. 660 will ultimately allow the County of San Mateo to perform education and enforcement services on the use of disposable food service ware in the City of Brisbane)



CITY COUNCIL AGENDA REPORT

Meeting Date: March 18, 2021

From: Adrienne Etherton, Sustainability Manager

Subject: Disposable Food Ware Ordinance

Community Goal/Result

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

Purpose

To introduce an Ordinance that will ultimately allow the County of San Mateo to perform education and enforcement services on the use of disposable food service ware in the City of Brisbane.

Recommendation

1. Adopt Ordinance No. 660 "Repealing Chapter 8.18 of the Brisbane Municipal Code and Adopting a New Chapter 8.19 Regulating the Use of Disposable Food Service Ware by Food Facilities.
2. Authorize the City Manager to enter into a Memorandum of Understanding with the County of San Mateo to provide education and enforcement of the food service ware ordinance.

Background

In March 2011, the County of San Mateo Board of Supervisors adopted Ordinance No. 04542 prohibiting the use of polystyrene based disposable food service ware by food vendors ("Polystyrene Ban Ordinance"). The City of Brisbane adopted Ordinance No. 590 in November 2014 extending the polystyrene ban within city limits, with the County providing enforcement.

Since the adoption of the Polystyrene Ban Ordinance, there has been increasing concern over the impact of disposable food service ware, especially items made from plastic. Disposable food service ware is a major contributor to street litter, ocean pollution, marine and other wildlife endangerment, and climate change. Many plastic food service ware items are used for just a few minutes before becoming waste, which lasts for hundreds or even thousands of years.

Accordingly, the County of San Mateo's Office of Sustainability (OOS) and Environmental Health Services conducted extensive research and outreach to develop a Disposable Food Service Ware Ordinance (Ordinance) that would repeal and replace the Polystyrene Ban Ordinance. On February 25, 2020, the Board of Supervisors adopted San Mateo County Ordinance No. 04823, with an effective date of March 25, 2021. Because the County repealed and replaced their previous Polystyrene Ban, the City's Polystyrene ban is no longer being enforced.

City staff had followed and contributed to the County effort with the intention of bringing forward a local ordinance to extend the new provisions within Brisbane and continue to align with the County requirements to retain their role in enforcement. Unfortunately, shortly thereafter, the Coronavirus

Pandemic broke out and city staff did not feel it was an appropriate time to bring forward new regulations on struggling food businesses. However, several other cities in the County have moved forward: South San Francisco, Burlingame, Atherton, Half Moon Bay, Belmont, San Mateo, and Millbrae (first reading 2/26/21). Recently, the County adopted an amendment that pushed their enforcement date back to March 25, 2022.

Discussion

The provisions of the proposed Ordinance are summarized below.

1. Accessories such as straws, stirrers, cup spill plugs, condiment packets, utensils, napkins, etc. shall be provided only: (1) when requested by the consumer, (2) upon acceptance by the consumer after being offered by the food facility, or (3) at a self-serve area and/or a dispenser. Accessories will be distributed unbundled as separate individual units. Take-out food delivery services that utilize digital ordering platforms shall provide clear options for customers to affirmatively request accessories.
2. Polystyrene (#6 plastics, Styrofoam) disposable food service ware is prohibited. (This is a provision that will be carried over from the Polystyrene Ban Ordinance.)
3. Food facilities shall use disposable straws, stirrers, utensils, and cocktail/ toothpicks (and the packaging that these individual items are wrapped in, if any) made from non-plastic, compostable materials. Non-plastic, compostable is defined as, but not limited to, natural fiber-based materials such as paper, sugarcane, wheat stalk/stem, bamboo, wood, etc. Traditional plastics (petroleum-based) and compostable plastics (a.k.a. bioplastics or polylactic acid [PLA]) shall not be allowed for the abovementioned items.
4. Food facilities shall use non-plastic, compostable plates, bowls, cups, food trays, clamshells, boxes, deli containers, and other containers. These items may be lined with, but not made entirely of compostable plastic. Additionally, these items shall be certified by the Biodegradable Products Institute (BPI) or by another 3rd party approved by the OOS to ensure that the items breakdown in an industrial composting facility and are free of or have minimal traces of harmful fluorinated chemicals.
5. Some notable exemptions that will be allowed are summarized below.
 - a. Disposable food service ware made from aluminum.
 - b. Disposable plastic straws may be provided only upon request to consumers with medical needs.
 - c. Healthcare facilities may distribute disposable plastic straws without a request from the patient.
 - d. Drive-through areas of food facilities may distribute straws and cup sleeves without a request from the consumer.
 - e. If no reasonably feasible disposable food service ware alternative exists.
6. The San Mateo County Office of Sustainability (OOS) will maintain and have available a list of approved disposable food service ware sources and/or references to organizations that maintain regularly updated lists of products that meet the Ordinance requirements.

OOS is developing a “Sustainability Ambassadors” program for summer 2021 which will provide materials and training to volunteers to encourage food businesses to immediately begin providing accessories only upon request, which would save businesses money by minimizing the distribution of disposable utensils, napkins, condiments and other accessories. The pandemic has led to an increase in take-out, often brought to a home environment not in need of these accessories, which are then thrown away or stashed in ever-growing piles in our homes. Eliminating these unnecessary items can help offset potentially higher costs for other compostable food ware items and save considerable waste. Staff intends to promote this volunteer opportunity and run related articles through city communications channels.

In February, County staff presented their ordinance to the Open Space and Ecology Committee, who expressed concern about the impact on the local restaurants and discussed various methods of support. City staff reported that outreach to all impacted businesses in summer 2019 indicated many Brisbane eateries are already using compliant items. OSEC recommended adoption of the ordinance paired with a program to provide up to 6 months of compostable containers and education encouraging restaurants not to provide accessories unnecessarily.

Enacting the support proposed by OSEC would impose a significant burden on staff and an unknown but potentially considerable cost. The City Council has recently made a commitment of \$50,000 to help local small businesses, in addition to the grants available from County, State, and Federal sources. With local businesses already reporting to be largely in compliance in 2019, and a one-year lead time to use any non-compliant items stocked, staff believes the impact will be minimal. In addition, the requirements will be imposed uniformly on food businesses, preventing any competitive disadvantage between local establishments.

Fiscal Impact

There is no direct fiscal impact to the City upon adoption of this ordinance because the County of San Mateo will be responsible for outreach and enforcement. Should Brisbane not adopt this ordinance, the existing Polystyrene Ban would require city enforcement at our own expense. Provision of material support to businesses would be an additional cost.

Measure of Success

An overwhelming transition to non-disposable food service ware by Brisbane food service businesses.

Attachments

1. Brisbane Disposable Food Service Ware Ordinance No. 660
2. Disposable Food Service Ware Ordinance MOU



Prepared by: Adrienne Etherton, Sustainability Manager



Randy Breault, Public Works Director



Clay Holstine, City Manager

ORDINANCE NO. 660

**AN ORDINANCE OF THE CITY OF BRISBANE
REPEALING CHAPTER 8.18 OF THE BRISBANE MUNICIPAL CODE AND
ADOPTING A NEW CHAPTER 8.19 REGULATING THE USE OF DISPOSABLE
FOOD SERVICE WARE BY FOOD FACILITIES**

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

SECTION 1. Findings.

The City Council finds and determines that:

- A. The production, management, and consumption associated with disposable food service ware, typically used for only a few minutes before being discarded, have significant environmental impacts, including environmental contamination; consumption of precious resources such as energy and water; emissions of greenhouse gases; air and water pollution; litter on streets; and plastic pollution in waterways and oceans.
- B. Disposable food service ware constitutes a substantial portion of the litter found within the City of Brisbane, San Mateo County and the rest of the Bay Area. These types of food service ware are commonly littered or blown out of trash receptacles and migrate through the storm drain system where they eventually end up in the ocean and the county's beaches and creeks.
- C. Polystyrene is a petroleum-based, lightweight plastic material commonly used as food service ware by retail food vendors. Polystyrene, often referred to by the trademark, Styrofoam, has also become a problematic environmental pollutant given its non-compostable and nearly non-reusable nature.
- D. The most effective ways to reduce the negative environmental impacts of disposable food service ware include, in order of priority, using reusable food service ware; using natural-fiber based compostable materials, many made from renewable resources such as bamboo, wheat stalk/stem, and sugarcane that do not contain toxic chemicals; and recycling food service ware. When products are reused and recycled, natural resources are spared, less energy is used for the production of new products, and premium landfill space is preserved. When compostable products are turned into compost, they can reduce water use and lessen the need for fertilizer at the site where the compost is applied (e.g., gardens, yards, farm land, etc.), which can also lead to cost savings since less/no fertilizers need to be purchased.
- E. Compostable food service ware such as cups, plates, clamshell containers, and utensils are now made from paper, sugarcane stalk, bamboo, wheat stalk/straw, and other blends of natural plant fibers. As these products degrade, they pose less of a danger to the environment.

- F. Even with the emergence of compostable plastics, which are derived from renewable biomass sources such as plants and microorganisms, there are limited certified types of compostable plastic that biodegrade in a marine environment.
- G. Certain disposable food service ware, including compostable paperboard containers, may contain fluorinated chemicals, also known as per- and polyfluorinated alkyl substances (PFAS), which are synthetic chemicals commonly used in disposable food service ware to repel water and grease. Fluorinated chemicals pose a public health risk as they have been linked to serious health effects including kidney and testicular cancer, thyroid disruption, delayed puberty, and obesity.
- H. Plastics in waterways and oceans break down into smaller pieces, called microplastics, that do not biodegrade and are present in most of the world's oceans. Microplastics consumed by marine organisms make their way into animals' tissues and are beginning to show up in the fish that humans consume. Plastic debris also attracts and concentrates ambient pollutants in seawater and freshwater, which can transfer to fish and other seafood that is eventually sold for human consumption.
- I. Reduction of disposable food service ware in the environment will advance compliance with federal, state, and local clean water mandates, including the Municipal Regional Stormwater Permit requirement, by helping to reduce trash and litter in stormwater discharges.
- J. Understanding the importance of and need for reducing plastic litter, the City adopted a plastic bag ban ordinance in 2013. Adopting this Ordinance will help further reduce the amount of litter entering the city's storm drains, creeks, the bay, and the ocean.
- K. On February 25, 2020, the San Mateo County Board of Supervisors adopted San Mateo County Ordinance No. 04823 repealing Chapters 4.106 and 4.107 and adopting a new Chapter 4.107 entitled "Regulating the Use of Disposable Food Service Ware by Food Facilities".
- L. The City of Brisbane should restrict the use by food facilities of polystyrene-based disposable food service ware and require the replacement of non-compostable or non-recyclable disposable food service ware with compostable alternatives that are non-plastic, natural fiber-based, and free of all intentionally added fluorinated chemicals, when and where possible.

SECTION 2. Chapter 8.18 of the Brisbane Municipal Code is hereby repealed and replaced in its entirety by a new Chapter 8.19 to be numbered and entitled and to read as follows:

CHAPTER 8.19 REGULATING THE USE OF DISPOSABLE FOOD SERVICE WARE

§8.19.010 – Application of Chapter.

This section intentionally left blank.

§8.19.020 – Definitions.

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

- A. “Aluminum Foil-based” means any Disposable Food Service Ware composed entirely of aluminum, including but not limited to aluminum tray liners, aluminum foil, and aluminum foil baskets.
- B. “Biodegradable Products Institute (BPI)” refers to a certification program that ensures that products and packaging displaying the BPI logo have been independently tested and verified accordingly to scientifically based standards to successfully break down in professionally managed industrial composting facilities. BPI-certified products meet the standards of the American Society for Testing Materials (ASTM) D6400 or D6868 for compostability. Starting on January 1, 2020, all BPI-certified products will also be required to have (1) a limit of 100 parts per million (ppm) total Fluorinated Chemicals as the upper threshold for acceptance and (2) no intentionally added Fluorinated Chemicals.
- C. “Compostable” means that an item or material (1) will break down, or otherwise become part of usable compost in a safe and timely manner and (2) is Natural Fiber-based or made from other materials approved by the County Manager or designee. Compostable items may include those that are made entirely of Natural Fiber or Natural Fiber-based items that are coated or lined with biologically based polymer, such as corn or other plant sources (e.g., compostable plastics), if certified by BPI or by another independent third party approved by the County Manager or designee.
- D. “Disposable” means designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple reuse.
- E. “Food Service Ware” means food contact products used for serving, distributing, holding, packaging, and/or transporting Prepared Food including, but not limited to plates, cups, bowls, trays, clamshell containers, boxes, utensils, straws, lids, and food contact paper (e.g., wraps, bags, tray liners, etc.). The term "Food Service Ware" includes Food Service Ware Accessories.
- F. “Food Service Ware Accessories” include Food Service Ware such as straws, stirrers, cup spill plugs, cup sleeves, condiment packets, utensils (including chopsticks), cocktail sticks/picks, toothpicks, napkins, and other similar accessory or accompanying Food Service Ware used as part of food or beverage service or packaging. Detachable lids for beverage cups and food containers are not considered a Food Service Ware Accessory.
- G. “Fluorinated Chemicals” means perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals) or fluorinated chemicals, which are a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

- H. “Food Facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption, as defined by the California Health and Safety Code Section 113789 or successor. It includes both permanent and temporary food facilities. Public schools are exempt from the provisions of this Chapter.
- I. “Food Scrap Composting Method” means (1) self-hauling of food scraps to a permitted composting facility or a transfer station that accepts food scraps that will be transferred to a permitted composting facility for on-site compost processing, (2) food scrap compost collection service provided by a curbside hauler, or (3) on-site food scrap composting.
- J. “Healthcare Facilities” mean places that provide healthcare to the public. Healthcare Facilities includes, but is not limited to hospitals, clinics, outpatient care centers, nursing homes, psychiatric care centers, medical offices, hospice homes, mental health and addiction treatment centers, orthopedic and other rehabilitation centers, urgent care, birth centers, etc.
- K. “Natural Fiber/Natural Fiber-based” means a plant or animal-based, non-synthetic fiber, including but not limited to products made from paper, sugarcane, bamboo, wheat stems/stalk, hay, wood, etc.
- L. “Non-Compostable” means not meeting the definition of Compostable set forth in this Chapter.
- M. “Polystyrene-based” means and includes expanded polystyrene, which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term “polystyrene” also includes polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam (expanded polystyrene [EPS]) and clear or solid polystyrene known as oriented polystyrene.
- N. “Prepackaged Food” means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer and prepared at an approved source.
- O. “Prepared Food” means food or beverages that undergo a cooking or food preparation technique on the Food Facility’s premises for consumption by the public. Cooking or food preparation technique includes, but is not limited to the following:
1. Cooking methods, utilizing the application of heat, such as steaming, microwaving, simmering, boiling, broiling, grilling, frying, or roasting.
 2. Beverage preparation, such as blending, brewing, steeping, juicing, diluting, or pouring.
 3. Food preparation techniques, such as defrosting, rinsing, washing, diluting, cutting, portioning, mixing, blending, assembling, coating, dipping, garnishing, decorating, or icing.

4. Prepared Food does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.
- P. "Takeout Food" means Prepared Food requiring no further preparation, which is purchased to be consumed off a Prepared Food Facility's premises. Takeout Food includes Prepared Food delivered by a Food Facility or by a third-party Takeout Food Delivery Service.
- Q. "Takeout Food Delivery Service" is a service that delivers Takeout Food from a Food Facility to a customer for consumption off the premises. This service can be provided directly by the Food Facility or by a third-party.

§8.19.030 – Distribution of Disposable Food Service Ware Accessories.

- A. No Food Facility shall provide any Disposable Food Service Ware Accessories except (1) upon request by the consumer, (2) upon acceptance by the consumer after being offered by the Food Facility, or (3) at a self-serve area and/or a dispenser.
- B. Food Facilities shall only distribute Disposable Food Service Ware Accessories unbundled, as separate individual units.
- C. Takeout Food Delivery Services that utilize digital ordering/point of sale platforms, including but not limited to the internet and smart-phone, shall only offer Disposable Food Service Ware Accessories by providing clear options for customers to affirmatively request these items separate from orders for food and beverages. The default option on the digital ordering/point of sale platforms shall be that no Disposable Food Service Ware Accessories are requested. Each individual Disposable Food Service Ware Accessory (e.g., each fork, knife, condiment packet, napkin, etc.) provided with Prepared Food must be specifically requested by the customer in order for a Food Facility to provide it.

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

- A. No Food Facility shall use Polystyrene-based Disposable Food Service Ware when providing Prepared Food.
- B. Food Facilities shall only provide Disposable straws, stirrers, utensils, and cocktail/toothpicks (and the packaging that these individual items are wrapped in, if any) that are Compostable.
- C. Nothing in this Chapter shall conflict or be construed to conflict with the Americans with Disabilities Act or any other applicable law concerning the rights of individuals with disabilities. In particular, nothing in this Chapter shall restrict, or be construed to restrict, the provision by Food Facilities of Disposable Non-Compostable straws to individuals who may request the use of Disposable Non-Compostable straws to accommodate medical needs or disabilities. Healthcare Facilities may distribute Disposable Non-Compostable straws with or

without request by a patient at the discretion of the Healthcare Facility staff based on the physical or medical needs of the patient.

- D. Food Facilities shall use Compostable items for the below Disposable Food Service Ware:
 - 1. Plates
 - 2. Bowls (of all sizes including, but not limited to soup and salad bowls and accessory bowls for condiments)
 - 3. Cups (of all sizes including, but not limited to beverage cups)
 - 4. Food trays
 - 5. Clamshells, boxes, deli containers, and other containers used for the sale and/or distribution of Prepared Food (e.g., Takeout Food, leftover “doggie containers”, etc.)
- E. Compostable items for the Disposable Food Service Ware listed in Subsection D used by Food Facilities must have been tested to breakdown into compost in an industrial composting facility in a timely manner and shall be free of all intentionally added Fluorinated Chemicals. To verify, these items shall be certified by Biodegradable Products Institute (BPI) or another independent third party approved by the County Manager or designee, in collaboration with local waste processors and haulers.
- F. For all other Disposable Food Service Ware not listed in Subsections B and D, Food Facilities shall use only Disposable Food Service Ware that can be composted by the Food Scrap Composting method utilized by the Food Facility and/or accepted for recycling by the Food Facility’s recycling collection service.
- G. The County shall maintain a list of approved Disposable Food Service Ware sources and/or references to organizations that maintain regularly updated lists of products that meet the requirements detailed in Subsections A, B, D, and E of this Section. This information shall be made available on the Office of Sustainability website and in the Office. If a product is not included on the approved lists, the Food Facility wishing to use a product as Disposable Food Service Ware shall establish to the County Manager or designee’s satisfaction that the product complies with the requirements detailed in Subsections A, B, D, and E.

§8.19.050 – Recordkeeping and Inspection.

- A. Food Facilities shall keep complete and accurate record or documents of the below items.
 - 1. Commencing on the effective date of this Ordinance and ending 365 days from the Ordinance effective date, the purchase of all Disposable Food Service Ware, including Non-Compostable and Compostable items.
 - 2. The purchase of the acceptable Disposable Food Service Ware evidencing compliance with this Chapter for a minimum period of three years from the date of purchase.

- B. The record shall be made available for inspection at no cost to the County during regular business hours by County employee or County-designated staff authorized to enforce this Chapter. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be made available at the Food Facility address.
- C. The provision of false or incomplete information, records, or documents to the County shall be a violation of this Chapter.

§8.19.060 – Automatic Exemptions.

- A. Prepackaged Food is exempt from the provisions of this Chapter.
- B. Polystyrene coolers and ice chests intended for reuse are exempt from the provisions of this Chapter.
- C. Disposable Food Service Ware that is entirely Aluminum Foil-based is exempt from the provisions of this Chapter.
- D. If the County determines that a reasonably feasible Disposable Food Service Ware that complies with Section 8.19.040 A, B, D, and E of this Chapter does not exist, these items will be exempt from the abovementioned provisions of this Chapter until the County determines that a reasonably feasible alternative is available on the market for purchase. The County will have a current list of these exempted Disposable Food Service Ware posted on the Office of Sustainability website with hard copies available in the Office.
- E. Certain Disposable Food Service Ware Accessories for beverage orders, specifically, straws and cup sleeves, shall be exempt from Section 8.19.030 A and may be distributed for safety reasons without the need for a request by the consumer or an offer by the Food Facility, specifically at drive-through areas of Food Facilities. Detachable lids are not considered a Disposable Food Service Ware Accessory, so Section 8.19.030 A does not apply to detachable lids.
- F. Temporary exemptions due to an emergency are automatic without the submission of a request for an exemption. An emergency is defined as a sudden, unexpected occurrence posing a clear and imminent danger that requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. Examples of an emergency include, but are not limited to natural disasters, emergencies due to the release of hazardous materials, emergencies associated with loss of power and/or water, or emergency medical response.

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

- A. Grounds for an exemption.

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

1. A situation unique to the Food Facility where a suitable alternative that conforms with the requirements detailed in Section 8.19.040 A, B, D, and E does not exist for a specific application.
 2. Imposing the provisions of this Chapter would cause significant economic hardship. “Significant economic hardship” may be based on, but not limited to, demonstrating that suitable Disposable Food Service Ware is not available at a commercially reasonable price and the additional cost associated with providing the Disposable Food Service Ware is particularly burdensome to the Food Facility based on the type of operation(s) affected, the overall size of the business/operation, the number, type and location of its facilities, the impact on the overall financial resources of the Food Facility, and other factors. Reasonable added cost for a suitable item as compared to a similar item that the Food Facility can no longer use shall not by itself constitute adequate grounds to support an exemption for such item. In determining whether a significant economic hardship has been established, the County Manager or designee shall consider the following information: ability of the Food Facility to recover the additional expense by increasing its prices; the availability of tax credits and deductions; outside funding; and other options.
- B. Request for an exemption. A request for an exemption from the requirements of this Chapter shall include all information deemed necessary by the County to render a decision, including but not limited to documentation showing the factual support for the requested exemption. A request for an exemption may be approved by the County Manager or designee, in whole or in part, with or without conditions. The duration of the exemption, if granted, shall also be determined by the County Manager or designee. Information about the application process for requesting an exemption will be available on the Office of Sustainability’s website and in the Office.

§8.19.080 – Enforcement.

- A. The County of San Mateo's County Manager or designee is hereby authorized to enforce, on behalf of the City of Brisbane, this chapter and any amendments thereto, within the jurisdictional boundaries of the city of Brisbane as set forth in Section 4.107.080 of the County of San Mateo Ordinance Code. Such enforcement authority includes, but is not limited to, the authority to hold hearings, issue citation, and assess administrative fines for violations of this chapter within the geographical limits of the City of Brisbane.

- B. A violation of this Chapter is an infraction and is also punishable by administrative fines as set forth in San Mateo County Code of Ordinances [Chapter 1.40](#).
- C. Violation of this Chapter is a public nuisance subject to all applicable civil, administrative, and criminal remedies and penalties according to the provisions and procedures contained in this ordinance code and state law including, but not limited to, an action for abatement or injunctive relief.
- D. This Section shall not be interpreted to limit any otherwise available civil or administrative remedies under law.

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

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

SECTION 5. This Ordinance shall be effective thirty (30) days after adoption. However, the mandatory provisions of this Ordinance, except for Section 8.19.050 (A)(1), shall only become operative and subject to enforcement on March 25, 2022.

Karen Cunningham, Mayor

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2021, by the following vote:

AYES:

NOES:

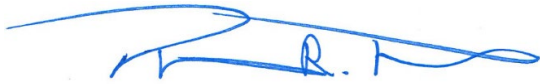
ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

APPROVED AS TO FORM:



Thomas C. McMorrow, City Attorney

**MEMORANDUM OF UNDERSTANDING BETWEEN
CITY OF BRISBANE AND COUNTY OF SAN MATEO FOR
DISPOSABLE FOOD SERVICE WARE ORDINANCE
EDUCATION AND ENFORCEMENT ACTIVITIES**

THIS MEMORANDUM OF UNDERSTANDING (MOU), entered into this _____ day of _____, 2021, by and between the County of San Mateo, hereinafter called "the County" and the "City of Brisbane", hereinafter called "the City";

W I T N E S S E T H:

WHEREAS, the County's Board of Supervisors repealed and replaced the existing County ordinance banning polystyrene disposable food service ware by food vendors (Municipal Code Chapter 4.107) with the Disposable Food Service Ware Ordinance (Ordinance) on February 25, 2020; and

WHEREAS, to promote consistency within jurisdictions throughout San Mateo County and leverage economies of scale, the County has offered to lead the education and enforcement efforts for the Ordinance in the incorporated cities of San Mateo County; and

WHEREAS, the City's City Council adopted Ordinance 660 on 3/18/21 and authorizes the County to provide education and enforcement services within the City's jurisdiction.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Tasks to be Completed by the City

The County will offer to lead the education and enforcement efforts for the Ordinance if the City carries out each of the following:

- a) Adopt and make part of its municipal code:
 - i. The Ordinance in its entirety by reference; or
 - ii. An ordinance that contains each of the provisions of the Ordinance.
- b) Authorize, by ordinance, the County to enforce the municipal code adopted pursuant to Section (a) above, such authorization to include, without limitation, the authority to hold hearings, issue citations, or assess administrative fines on behalf of the City.
- c) Enter into a Memorandum of Understanding (this current document) with the County for enforcement within the City.

2. Services to be Performed by the County

- A. The County shall provide education and enforcement services within the City's jurisdiction if the City's governing body adopts the County's Ordinance.

- B. The County shall provide education and enforcement services for the City as described in Exhibit A, attached hereto and incorporated by reference herein.
- C. The County shall hire a consultant to provide education services within jurisdictions in San Mateo County that adopt the Ordinance. If appropriate, interested cities will also have the option of entering into contractual agreement with the same consultant for education services specifically relating to provisions that *go beyond* and that fall outside the Ordinance. Please see Section 2.E. for additional information.
- D. The County shall only provide education and enforcement services for the Ordinance within the City's jurisdiction if it has determined that it has adequate resources to do so.
- E. The County shall only offer to provide education and enforcement for services relating directly to the provisions of the Ordinance. If the City adds new provisions that *go beyond* the existing provisions of the Ordinance, the County may, at its discretion, offer to provide education and enforcement services, pending further assessment by the County. The assessment will involve evaluating the alignment of the objectives of the City's "add-on" provisions with those of the Ordinance and the level of effort required for education and enforcement services.

As an alternative, if the County elects not to offer education and enforcement services for the "add-on" provisions, the City can administer, implement, and fund its own education and enforcement services specifically for the "add-on" provisions. Specific to education services, if City policy allows and the City chooses to do so, the City can enter into a separate contractual agreement with the same consultant that will be providing education services for the Ordinance, as referenced in Section 2.C. above.

- F. The County will not be obligated to provide education and enforcement services if modifications are made to the Ordinance by the City, which omits existing provisions and/or reduces the impact of the Ordinance in any way.

3. Consideration

The benefit of this MOU to the City is the opportunity to join a growing number of local governments that are leading the effort around reducing single-use plastic and other food ware waste. An additional benefit includes the implementation of education and enforcement efforts for the Ordinance within the City's jurisdiction with minimal spending of resources by the City.

The benefit of this MOU to the County is the implementation of a uniform, standardized, and coordinated effort throughout the incorporated and unincorporated areas of San Mateo County.

4. Relationship of Parties

It is expressly understood that this is an agreement between two independent entities, the County and the City, and that no individual agency, employee, partnership, joint venture, or other relationship is established by this MOU. The intent by both the County and the City is to create an independent collaborative relationship.

5. Hold Harmless

The City shall indemnify and save harmless the County and its officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description resulting from this MOU, brought for, or on account of, any of the following:

- a) Injuries to or death of any person, including the City or its employees/officers/agents;
 - b) Damage to any property of any kind whatsoever and to whomsoever belonging; or
 - c) Any other loss or cost, including but not limited to that caused by the concurrent active or passive negligence of the County and/or its officers, agents, employees, or servants.
- However, the City's duty to indemnify and save harmless under this Section shall not apply to injuries or damage for which the County has been found in a court of competent jurisdiction to be solely liable by reason of its own negligence or willful misconduct.

The duty of the City to indemnify and save harmless as set forth by this Section shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

6. Amendment of MOU and Merger Clause

This MOU, including the Exhibit attached hereto and incorporated herein by reference, constitutes the sole MOU of the parties hereto and correctly states the rights, duties, and obligations of each party as of this document's date. In the event that any term, condition, provision, requirement or specification set forth in this body of the MOU conflicts with or is inconsistent with any term, condition, provision, requirement, or specification in any exhibit and/or attachment to this MOU, the provisions of this body of the MOU shall prevail. Any prior MOU, promises, negotiations, or representations between the parties not expressly stated in this document are not binding. All subsequent modifications shall be in writing and will become effective when signed by both parties.

7. Records

The County shall maintain and preserve all records relating to this MOU in its possession and those of any third-party performing work related to this MOU for a period of five (5) years from the termination of this MOU.

8. Assignability

The County shall have the right to assign this MOU or any portion thereof to a third party or subcontract with a third party to perform any act required under this MOU without the prior written consent of the City.

9. Notices

Any written notice, request, demand, or other communication required or permitted hereunder shall be deemed to be properly given when deposited with the United States Postal Service, postage prepaid, or when transmitted by email communication, addressed:

In the case of the County, to:

Carolyn Bloede, Director
County of San Mateo Office of Sustainability
455 County Center, 4th Floor
Redwood City, CA 94065
Email: cbloede@smcgov.org

In the case of the City, to:

City Manager
City of Brisbane
50 Park Place
Brisbane, CA 94019
Email: clayholstine@ci.brisbane.ca.us

10. Controlling Law and Venue

The validity of this MOU, the interpretation of its terms and conditions, and the performance of the parties hereto shall be governed by the laws of the State of California. Any action brought to enforce this action must be brought in the Superior Court of California in and for the County of San Mateo.

11. Term and Termination

Subject to compliance with the terms and conditions of the MOU, the term of this MOU shall commence on _____ and shall automatically be renewed from year to year on the same terms and conditions. This MOU may be terminated without cause by the City or the County's Director of Office of Sustainability or his/her designee at any time upon thirty (30) days written notice to the other party.

12. Authority

The parties warrant that the signatories to the MOU have the authority to bind their respective entities.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have affixed their hands.

COUNTY OF SAN MATEO

By: _____
Carolyn Bloede
Director, Office of Sustainability

Date: _____

CITY OF BRISBANE

By: _____
Clayton L. Holstine
City Manager

Date: _____

EXHIBIT A - SCOPE OF ACTIVITIES

The below education and enforcement activities relating to the County of San Mateo's (the County) Disposable Food Service Ware Ordinance (Ordinance) will be conducted by the County and the City of Brisbane (the City) within the City's jurisdiction.

I. Education and Outreach

1. The County will conduct education and outreach to food facilities that operate in the City's jurisdiction that may be impacted by the Ordinance. Per the Ordinance, the County will focus efforts only on entities that are defined as a "food facility" under the California Retail Food Code.¹ These entities are required to have a health permit with the County's Environmental Health Services (EHS) to serve food and beverages to the public. The County's Office of Sustainability (OOS) will collaborate with EHS to identify food facilities in the City jurisdiction that will be impacted.
2. The County will conduct education and outreach to the general public in the City's jurisdiction.
3. The County will develop a *standardized* and *uniform* education and outreach strategy that will be rolled out in the City's jurisdiction as well as in unincorporated areas of the county and other cities in the county that adopt the Ordinance. The County may utilize a combination of standardized strategies for education and outreach activities, which may include, but is not limited to development and distribution of educational materials (e.g., flyers, posters, resource guide, signs, banners, etc.), mailers, phone calls, emails, social media posts, videos, newspaper ads, door-to-door visits, pilot and implementation of behavior change campaigns, etc.
4. As needed, the City will supplement the County's efforts for the Ordinance with any additional education and outreach activities that are tailored to the City's needs and managed by City staff (e.g., City's social media accounts, City website, City newsletter, internal City sustainability activities, etc.).

II. Enforcement

1. The County will conduct enforcement of the Ordinance within the City's jurisdiction utilizing a complaint-based system. The County will respond to complaints or referrals from the public and/or from City staff and work with food facility operators to investigate and resolve reported issue(s).
2. The County will follow enforcement provisions detailed in the County's Municipal Code [Chapter 1.40 – Administrative Remedies](#) to correct violations of the Ordinance committed in the City's jurisdiction.

¹ Although public schools are defined as a food facility under the California Retail Food Code, they are exempt from complying with the Ordinance based on the fact that the State has the sole authority to dictate their operations.

3. The County will keep detailed records of enforcement in the City's jurisdiction for a minimum of five (5) years.
4. The County will notify the City promptly about any related issues that arise that require City assistance or lead in resolving the issue(s) related to noncompliance.
5. The City will work with the County on any related issues that arise that require City assistance or lead in resolving the issue(s) related to noncompliance.

File Attachments for Item:

I. Review Preliminary Draft for Crocker Trail Master Plan



CITY COUNCIL AGENDA REPORT

Meeting Date: March 18, 2021

From: Noreen Leek, Parks & Recreation Director

Subject: Crocker Trail Master Plan Draft Review

Community Goal/Result

Community Building

Purpose

Develop the City's trail system through the master planning process in order to protect environmentally sensitive areas, enhance connectivity, incorporate art, and provide additional opportunities for recreation.

Recommendation

Receive a presentation from the consultant (RRM Design Group) for the draft Crocker Trail Master Plan. Provide feedback to the consultant team prior to their preparation of the final master plan document.

Background

In 2018-2019, representatives from the Parks & Recreation Commission and Open Space and Ecology Committee met to determine how proceeds from the sale of the 280 South Hill property were to be allocated. The direction from the City was such that funds spent would serve to benefit both Open Space and Ecology as well as Parks & Recreation. It was determined that a portion of the funds (not to exceed \$100,000) would be allocated towards the master planning of Crocker Trail. City Council affirmed their support for this project as part of the CIP review process in 2019.

In 2020, the City issued a formal Request For Proposals (RFP) to prospective bidders and ultimately awarded the contract to RRM Design Group. A Technical Advisory Committee (TAC) was formed including representatives from the Parks & Recreation Commission, the Open Space and Ecology Committee, the Public Art Advisory Group, and Complete Streets Safety Committee.

Over the past several months, the Consultant has conducted site reconnaissance, collected background data, facilitated stakeholder interviews and discussions, hosted community workshops, distributed surveys, solicited input from residents, businesses, and trail users, and has drafted a comprehensive draft master plan. The draft plan considers the City's desired trail features and project objectives: connectivity, environmental preservation, art, recreation and safety. To help evoke the vision and character of key areas along the trail, the Consultant has prepared character perspective sketches, sections, and imagery.

Discussion

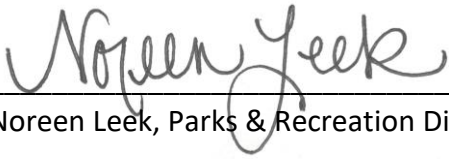
The goal of this workshop is to review plan elements and provide comments or suggestions on the draft master plan that will inform the RRM team as they prepare the final master plan for adoption.

Fiscal Impact

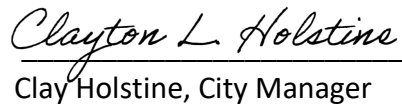
n/a

Attachments

1. Draft Master Plan Booklet



Noreen Leek, Parks & Recreation Director



Clay Holstine, City Manager

CROCKER PARK RECREATIONAL TRAIL DRAFT MASTER PLAN



City of Brisbane

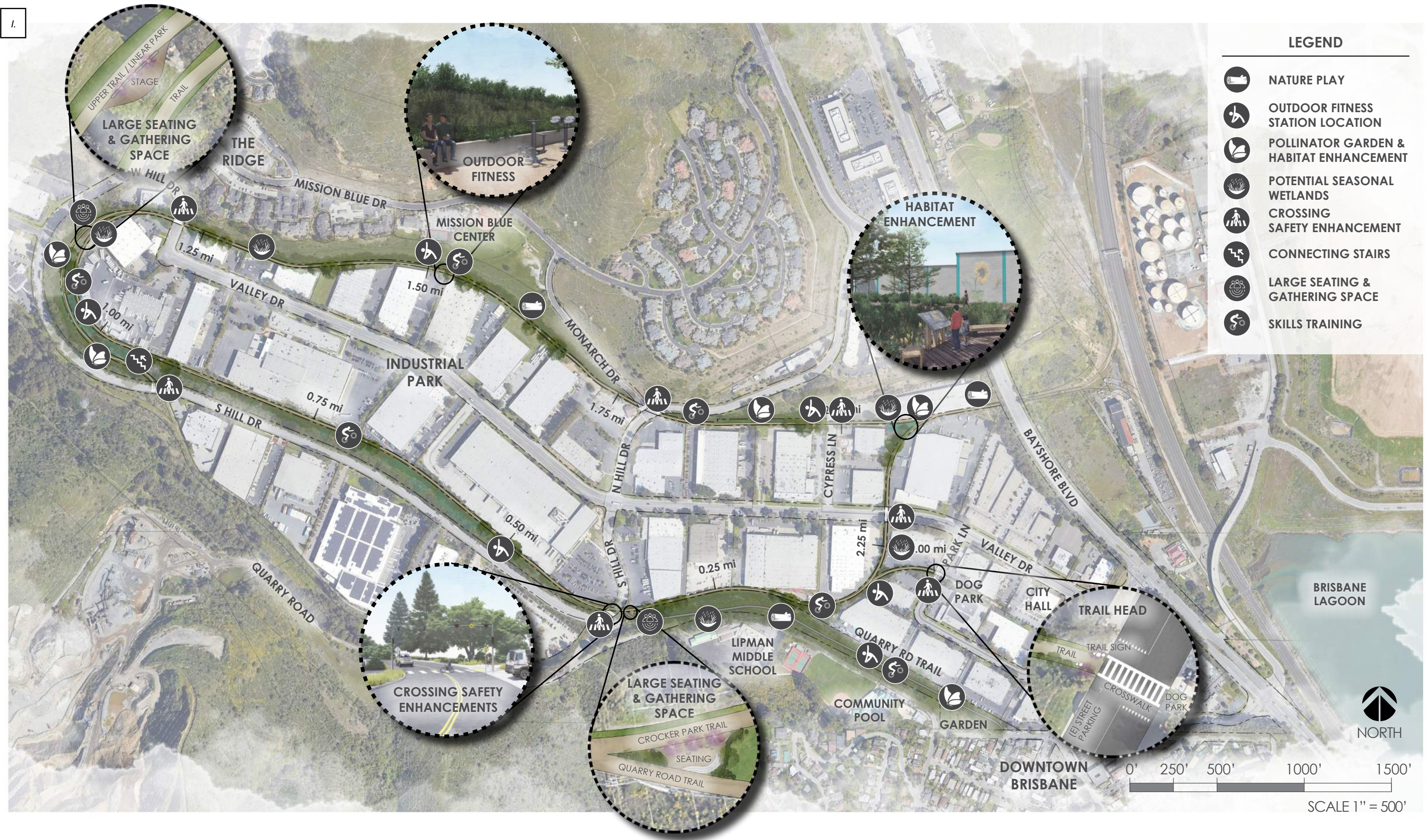
Crocker Park Recreational Trail Draft Master Plan

Acknowledgements

The City of Brisbane would like to thank all the members of the stakeholders groups and the community members who helped guides the development of this plan.

APPROVED BY:	
AMENDED BY:	
PREPARED FOR:	<div><div>City of Brisbane Parks & Recreation Department 50 Park Place, Brisbane, CA 94005</div></div>
FUNDED BY:	Sale of the 280 South Hill Property
PREPARED BY:	<div></div>

STAKEHOLDER GROUP	Lyle Covino, Kevin Fryer, and Renee Marmion representing the Parks and Recreation Commission Carl Lam and Mary Rogers representing the Open Space and Ecology Committee Patrick Tainter representing the Complete Streets Safety Committee Camille Salmon representing the Public Art Advisory Committee Ariel Cherbowsky representing San Bruno Mountain Watch
CITY STAFF	Deputy Director Karen Kinser Public Works Recreation Manager Noreen Leek Parks and Recreation
CITY COUNCIL	
CONSULTANTS	RRM Design Group - Trail planning, Master Plan WRA - Environmental W-Trans - Traffic Precision Estimating - Cost Opinion



CROCKER PARK RECREATIONAL TRAIL DRAFT MASTER PLAN



CROCKER PARK RECREATIONAL TRAIL DRAFT MASTER PLAN

ACTIVE AREAS

FITNESS STATION



 **OUTDOOR FITNESS EQUIPMENT** - Combination of static and kinetic equipment



SKILLS TRAINING

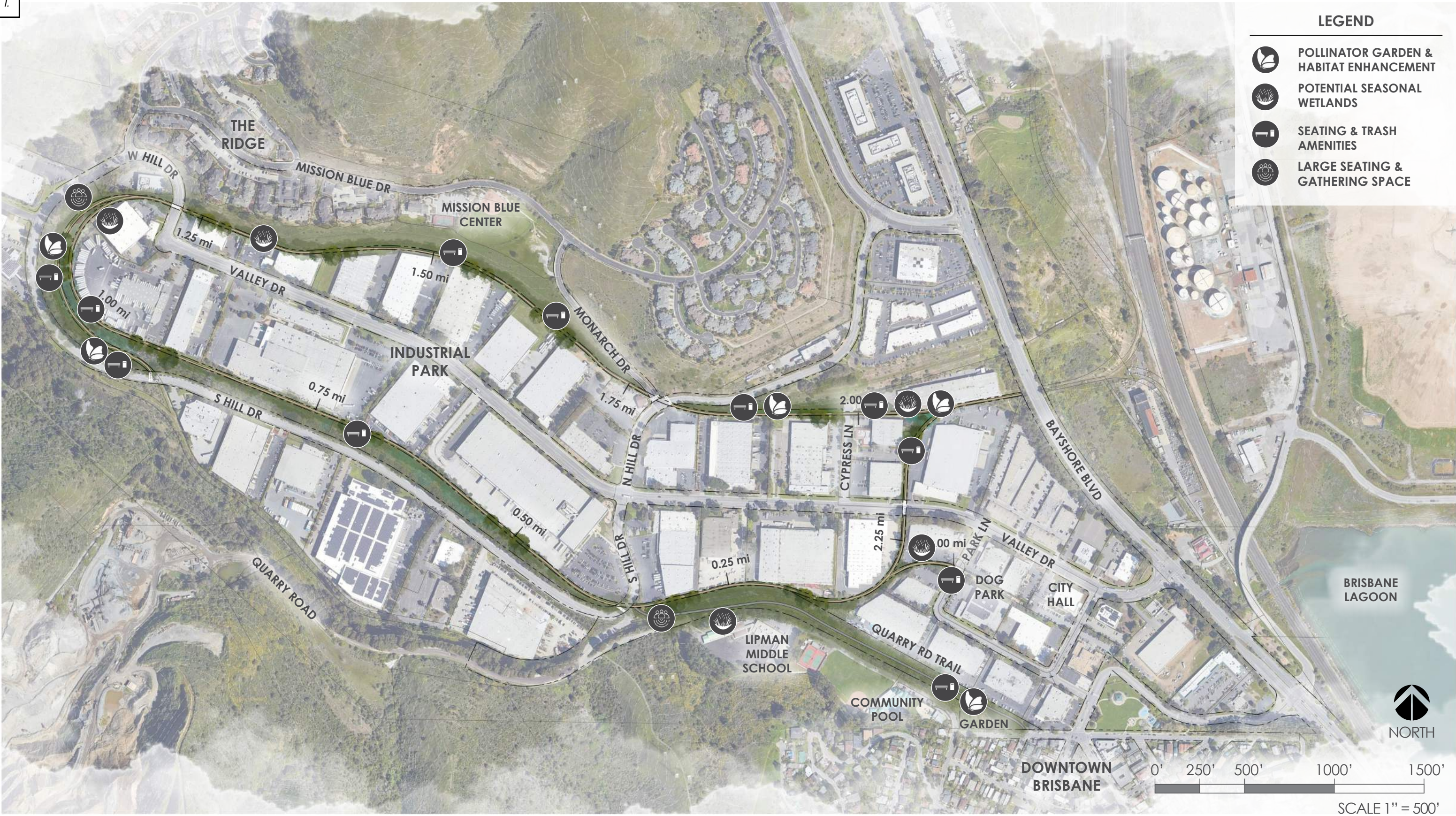


0.25 mi
 **MILE MARKERS** - located every quarter mile



NATURE PLAY





HABITAT ENHANCEMENT NEAR CYPRESS LANE



SEATING & TRASH AMENITIES



HABITAT ENHANCEMENT

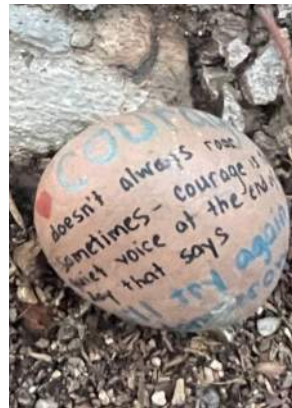


POLLINATOR GARDEN & EDUCATIONAL SIGNAGE





EPHEMERAL ART



VISUAL ARTS

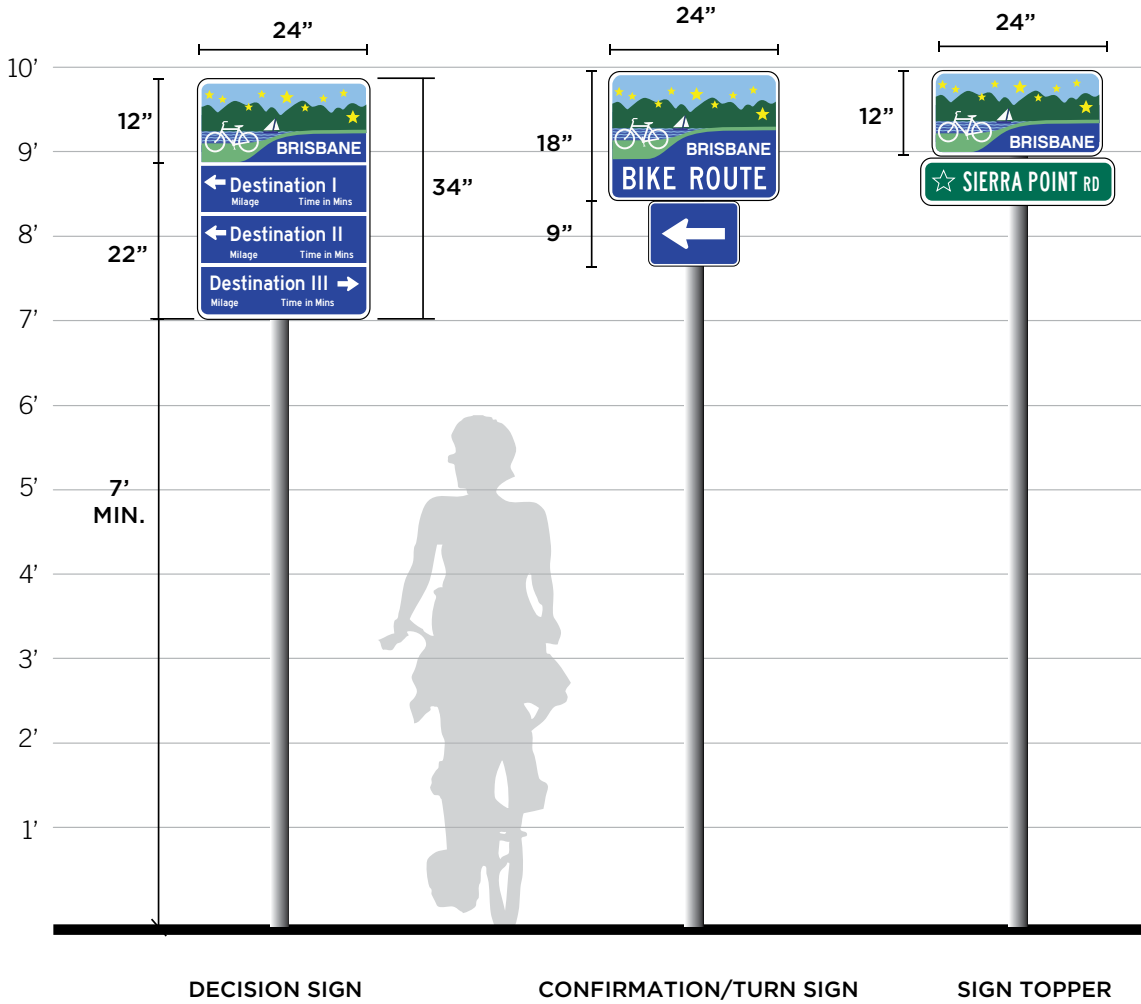


CROSSINGS DESIGNS - required to still meet visibility and safety standards





WAYFINDING AND TRAIL SIGNAGE



● TRAIL LIGHTING - Combo of bollard and overhead lights



EMERGENCY SERVICES COORDINATION
Paint building address numbers on buildings as identification when calling emergency services



0.25 mi
MILE MARKERS - located every quarter mile






MEASURES TO PREVENT PRIVATE VEHICLE ACCESS





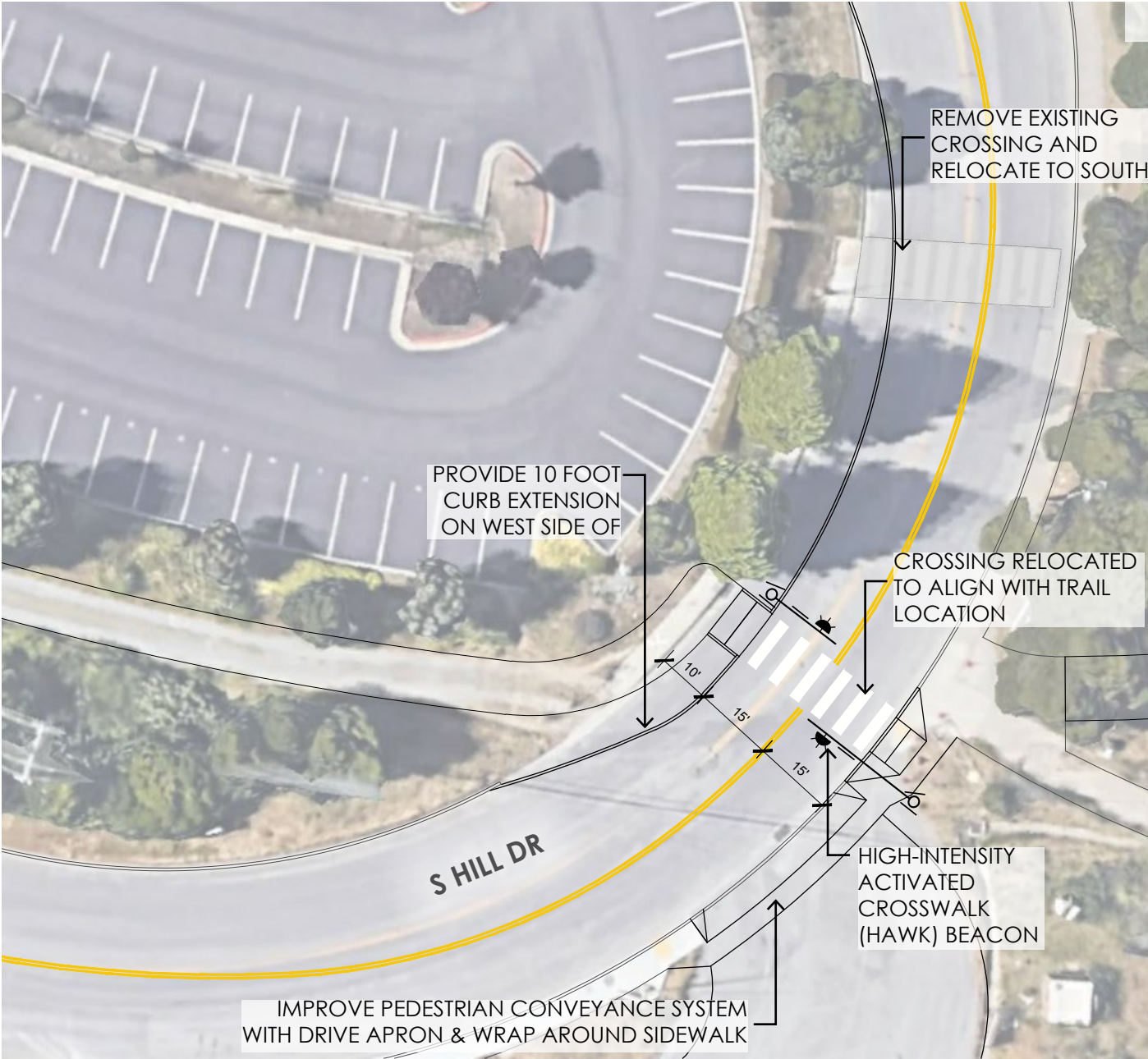
PARKING OPPORTUNITIES LEGEND

-  POTENTIAL NEW PARKING (7)
-  BUSINESS PARKING
-  EXISTING TRAIL PARKING (7 SPACES) *NO SHADING





PROPOSED SAEFTY ENHANCEMENTS AT S HILL DRIVE



PROPOSED SAFETY ENHANCEMENTS LOOKING EAST DOWN S HILL DRIVE



HAWK SIGNAL (High-Intensity Activated crossWalk)



PROPOSED SAEFTY ENHANCEMENTS AT W HILL DRIVE

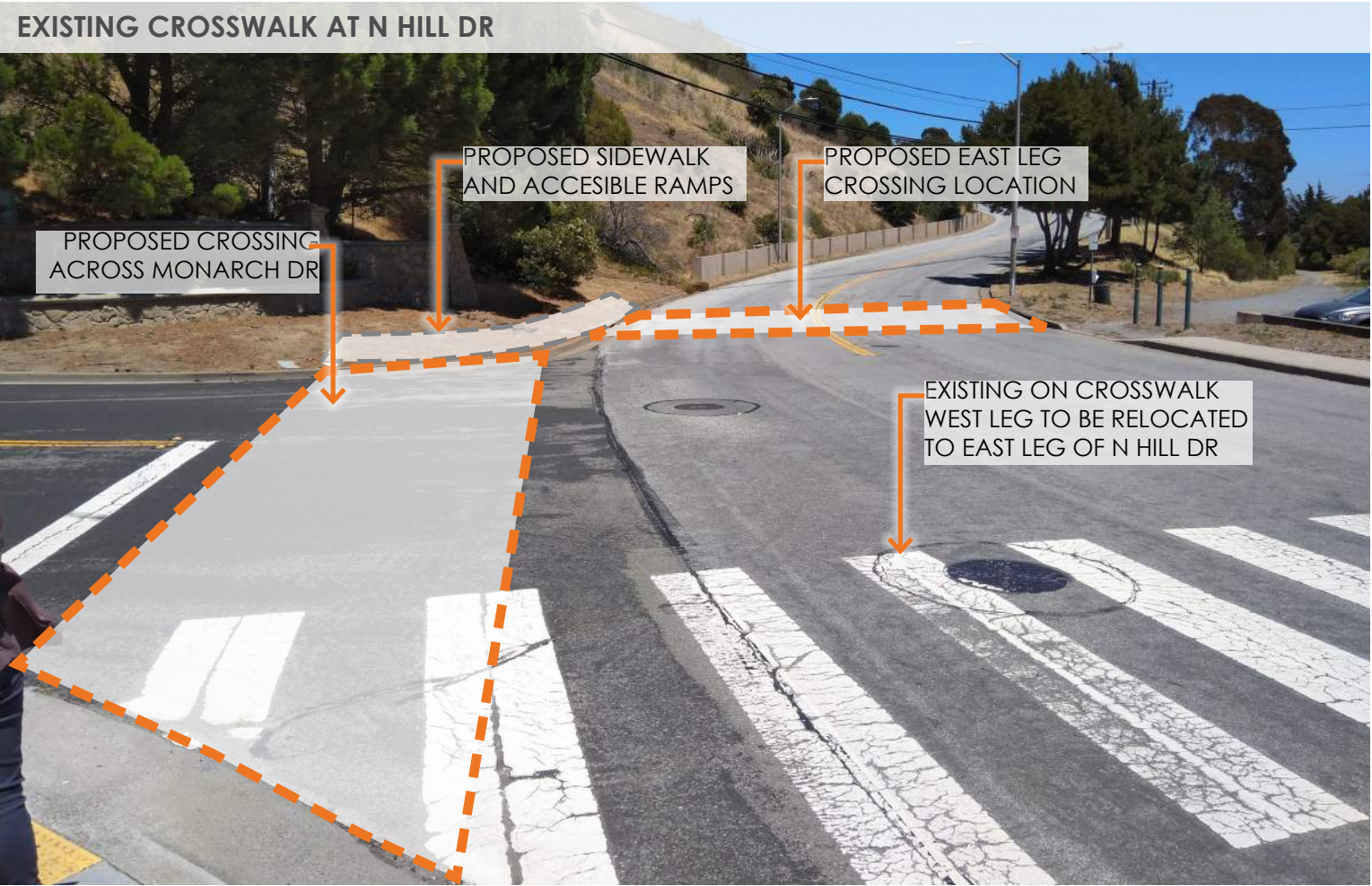
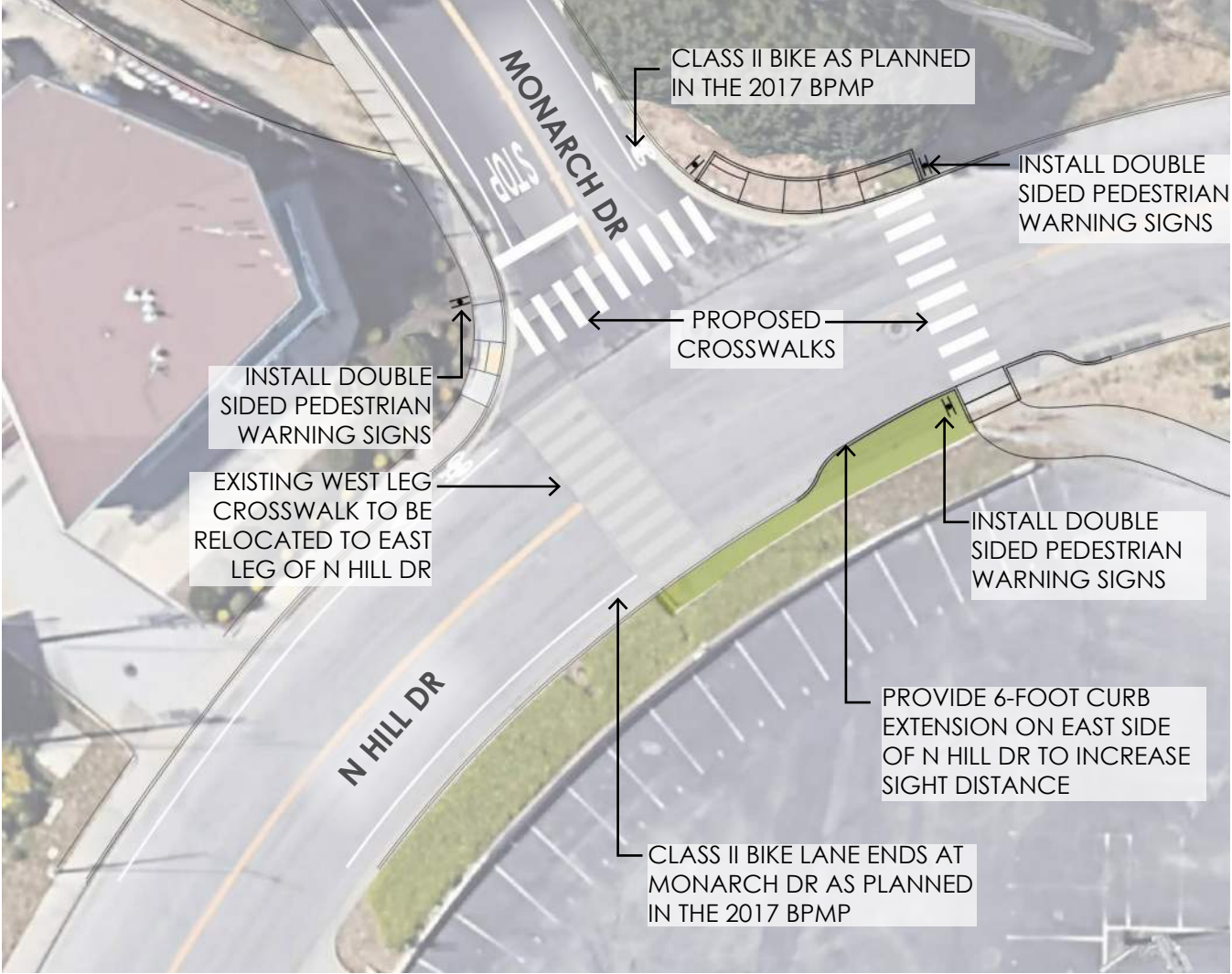


RECTANGULAR RAPID FLASHING BEACON (RRFB)
PEDESTRIAN CROSSWALK SYSTEM



PROPOSED SAEFTY ENHANCEMENTS AT N HILL DRIVE - OPTION A

During the trail master planning process, the Public Works department and the project Traffic Engineer worked together to evaluate the trail crossing at N Hill Drive. Based on their discussions, the following two crossing solutions are viable pending additional analysis. Both recommendations are focused on improving sight distances from the southern side of the crossing.



PROPOSED SAEFTY ENHANCEMENTS AT N HILL DRIVE -OPTION B

During the trail master planning process, the Public Works department and the project Traffic Engineer worked together to evaluate the trail crossing at N Hill Drive. Based on their discussions, the following two crossing solutions are viable pending additional analysis. Both recommendations are focused on improving sight distances from the southern side of the crossing.



PEDESTRIAN CROSSING SIGNS



PROPOSED SAEFTY ENHANCEMENTS AT CYPRESS LANE



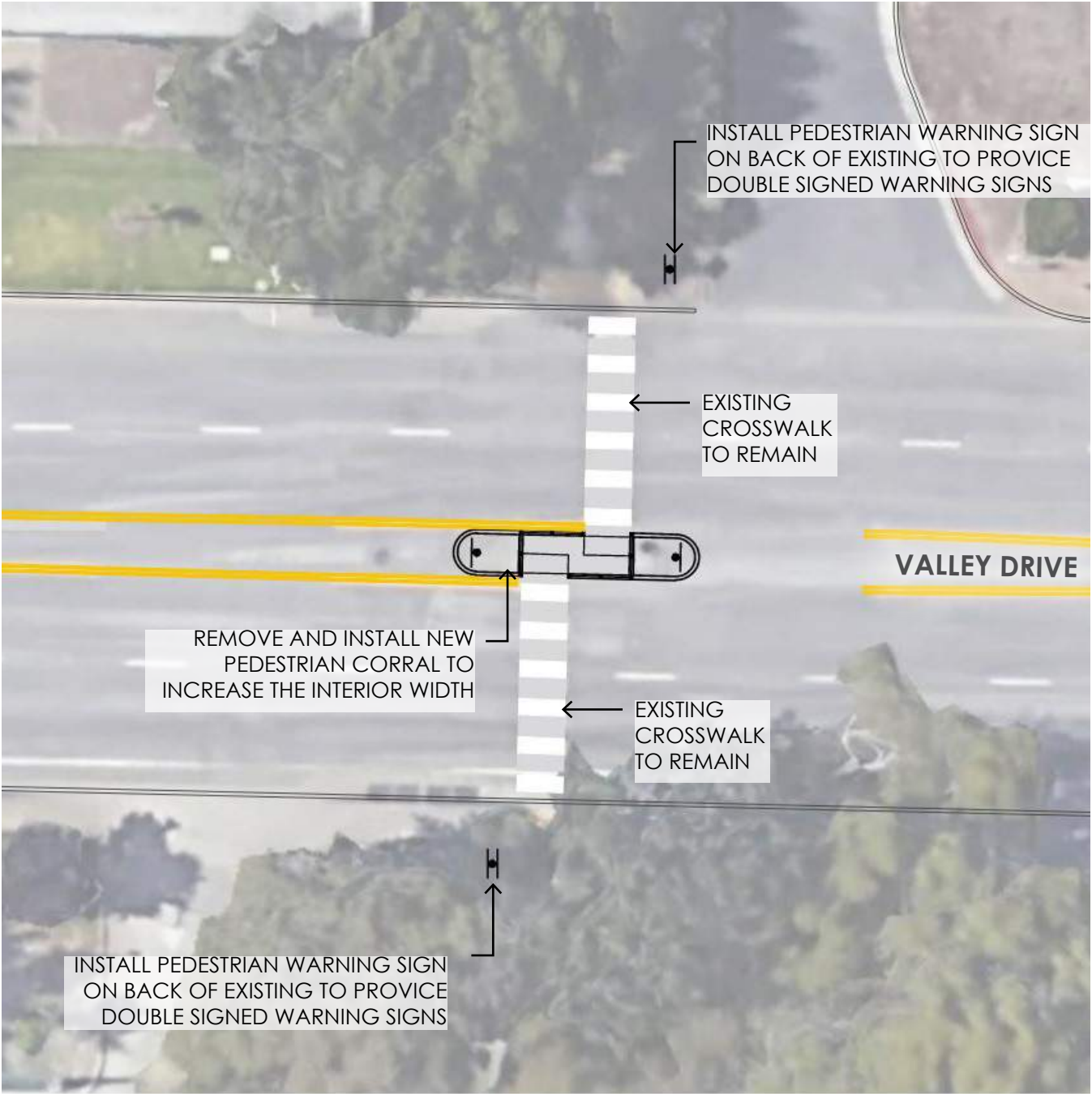
EXISTING CROSSWALK AT CYPRESS LANE



PEDESTRIAN CROSSING SIGNS



PROPOSED SAEFTY ENHANCEMENTS AT VALLEY DRIVE



The Public Works Department and the project Traffic Engineer have evaluated the historical trail useage and average daily traffic counts to determine the warranted safety enhancements for the crossing. The City may elect to install the additional safety measure of a Rectangular Rapid Flashing Beacon (RRFB) device on the double sided pedestrian warning signs as trail useage and traffic patterns increase.

EXISTING CROSSWALK AT VALLEY DR



PEDESTRIAN CROSSING SIGNS



