



CITY of BRISBANE

City Council Meeting Agenda

Thursday, November 16, 2023 at 7:30 PM • Hybrid Meeting 50 Park Place, Brisbane, CA

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

TO ADDRESS THE COUNCIL

IN PERSON

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

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

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

REMOTE PARTICIPATION

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

Remote Public Comments:

Remote meeting participants may address the City Council. We also encourage you to submit public comments in writing in advance of a meeting. Aside from commenting personally while in the Zoom Webinar, the following email and text line will be also monitored during the meeting and public comments received will be noted for the record during Oral Communications 1 and 2 or during an agenda item.

Email: ipadilla@brisbaneca.org or **Text:** (628) 219-2922

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

Webinar ID: 991 9362 8666

Call In Number: 1 (669) 900-9128

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

SPECIAL ASSISTANCE

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

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

Any writings that are received after the agenda has been posted but before 4pm of the day of the meeting will be available for public inspection at the front lobby in City Hall and on the internet (brisbaneca.org/meetings). Any writings that are received after 4pm of the day of the meeting will be available on the internet at the start of the meeting (brisbaneca.org/meetings), at which time the materials will be distributed to the Council.

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

ROLL CALL

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

ADOPTION OF AGENDA

ORAL COMMUNICATIONS NO. 1

CONSENT CALENDAR

- B. Approve Minutes of City Council Meeting of November 2, 2023
- C. Approve Minutes of City Council Closed Session Meeting of November 2, 2023
- D. Approve Lyrical Opposition’s “Re-Entrification” Documentary Screening as a Cosponsored Event
- E. Award the Contract for the Public Art Master Plan to NINE dot ARTS, in the Amount of \$75,000

(The cost of NINE dot ARTS master planning services for this project is \$75,000 and will be paid for using the Public Art Fund (Fund 275). The Public Art Advisory Committee is also recommending a 20% contingency (or \$15,000) to draw from as needed to support master planning efforts.)

- F. Adopt a Resolution to Amend a Project List for Fiscal Year 2023-23 Funded by SB 1: The Road Repair and Accountability Act of 2017

(The pavement projects listed in the proposed Resolution are categorically exempt from CEQA per CCR Title 14 §15302. The following amended list of the proposed projects will be funded in-

part or solely with \$104,377 of Fiscal Year 2022-23 Road Maintenance and Rehabilitation Account revenues.)

OLD BUSINESS

- G. Consider Adoption of a Resolution to Adopt an Affordable Housing Strategic Plan

(The Affordable Housing Strategic Plan (AHSP) is a framework that establishes options guiding the City's investments in preserving existing affordable housing, preventing the displacement of low-income Brisbane residents, and developing new affordable housing.)

NEW BUSINESS

- H. Consider Introduction of the Dark Sky Ordinance, waiving first reading, adding Chapter 15.88 Outdoor Lighting Standards to the Brisbane Municipal Code

(This Ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA) because it is not a project (CEQA Guidelines, §15378 (b) (2)). As proposed, the ordinance will result in required changes to streetlights and other public facilities within fifteen (15) years of the effective date, with an estimated cost upwards of \$1M. Additional implementation costs may include equipment and training for police officers. Staff proposes to create a program to systematically make updates over time.)

STAFF REPORTS

- I. City Manager's Report on Upcoming Activities

MAYOR/COUNCIL MATTERS

- J. Countywide Assignments and Subcommittee Reports
- K. Written Communications

ORAL COMMUNICATIONS NO. 2

ADJOURNMENT

File Attachments for Item:

B. Approve Minutes of City Council Meeting of November 2, 2023



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY COUNCIL MEETING AGENDA
THURSDAY, NOVEMBER 2, 2023**

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

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

Mayor Davis called the meeting to order at 7:42 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

No Councilmembers made a request to attend the meeting remotely.

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorro, Assistant to the City Manager Cheung, Parks and Recreation Director Leek, Parks and Recreation Supervisor Houghton, Human Resources Director Partin, Police Chief Macias and Management Analyst Ibarra

REPORT OUT OF CLOSED SESSION

City Attorney McMorro reported that Council made no decision and staff was given direction on the Real Property Negotiation Item.

ADOPTION OF AGENDA

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

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

Noes: None

Absent: None

Abstain: None

AWARDS & PRESENTATION

B. Proclaim November as National Native American Heritage Month

Mayor Davis proclaimed that the City recognizes November 2023 as National Native American Heritage Month by celebrating the rich ancestry and traditions of Native Americans and Indigenous peoples.

C. Proclaim November 12-18, 2023 as United Against Hate Week

Mayor Davis proclaimed November 12-18, 2023 as "United Against Hate Week in Brisbane" and urged our community to come together to condemn acts of hate toward all persons and to reaffirm our commitment to building an inclusive and equitable community for all.

Mangesh Kolhatkar, vice chair of the Inclusion, Diversity, Equity and Accountability (IDEA) Committee, accepted both proclamations and invited the public and the City Council to attend upcoming events coordinated by the IDEA Committee for United Against Hate Week and Diwali, the festival of lights originating from India.

ORAL COMMUNICATIONS NO. 1

Linda Salmon commented that she is not in favor of selling the public property discussed at the Closed Session Meeting.

CONSENT CALENDAR

D. Approve Minutes of City Council Meeting of October 19, 2023

E. Approve Minutes of City Council Closed Session Meeting of October 19, 2023

F. Approve Minutes of City Council Special Meeting of October 19, 2023

G. Accept Investment Reports as of September 2023

Councilmember Mackin suggested two amendments to the Consent Calendar Item D minutes from the City Council Meeting of October 19, 2023. The amendments were:

On page 8, #2 would be replaced by "Can STR permit holders provide an accounting of their rentals with TOT payment? What is the source of their TOT payments?"

On page 7 under Item E., #4. Would be replaced by: "At the September 7 meeting, a DIF for Capital Facilities was suggested for consideration as a potential way to address major renovations of buildings such as City Hall, a new fire station, etc."

Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to approve Consent Calendar Items D, as amended by Councilmember Mackin, E, F, and G. The motion was carried unanimously by

all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

H. Consider Adopting a Resolution Certifying the Appointment of Clayton Holstine as Interim City Manager in Compliance with the California Public Employees Retirement Law and Authorizing the Mayor to Sign an Employment Agreement with Mr. Holstine

Humans Resources Director Partin reported that after twenty-five years of service to the City of Brisbane as the City's City Manager, Clayton Holstine will retire on December 27, 2023. The City Council is actively recruiting for his replacement, but it is not likely that the Council will complete that recruitment and make an appointment for a new City Manager until sometime after Mr. Holstine's retirement. The City Council has requested Mr. Holstine to continue to serve as City Manager on an interim basis until the City Council makes a permanent appointment; Mr. Holstine has agreed.

She added that it is being recommended to adopt a resolution certifying that the appointment of Clayton Holstine as Interim City Manager, effective January 2, 2024 and authorize the Mayor to sign an Employment Agreement with Mr. Holstine concerning the interim appointment.

After no Council questions, no public comment and no discussion, Councilmember Cunningham made a motion, seconded by Councilmember O'Connell, to adopt a Resolution Certifying the Appointment of Clayton Holstine as Interim City Manager in Compliance with the California Public Employees Retirement Law and Authorizing the Mayor to Sign an Employment Agreement with Mr. Holstine. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

OLD BUSINESS

I. Consider Adoption of Resolution to Amend the Master Pay Schedule

Human Resources Director Party reported that staff is presenting for adoption the master pay schedule to reflect the approved pay increases effective the first full pay period in January 2024. The summary of the updates to the master pay schedule are as follows:

- Confidential Management Employees: The classifications in this group will receive a 3% pay increase and the current filled positions in this group and their respective top step pay rates include: Finance Director at \$108.95 per hour and Human Resources Director at \$106.93.

- Executive Management: The classifications in this group will receive a 3% pay increase and the current filled positions in this group and their respective top step pay rates include: Assistant to the City Manager at \$87.25 per hour, City Clerk at \$70.59 per hour, Community Development Director at \$110.11 per hour, Parks and Recreation Director at \$104.99 per hour and Public Works Director/City Engineer at \$128.90 per hour.
- Police Chief: This classification will receive a 3% pay increase and the new pay rate will be \$128.48 per hour at the top step.
- The following bargaining groups will also receive a 3% pay increase: Brisbane Fire Management, Confidential Employees, General Employees Association, International Association of Firefighters, Local 2400, Mid-Management/Professional Employees, Police Commander, and Police Officers Association.

After no Council questions, no public comment and no discussion, Councilmember Mackin made a motion, seconded by Councilmember O'Connell, to adopt a resolution to amend the Master Pay Schedule. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

J. Receive Information and Consider Providing Direction on Playground Resurfacing Project Utilizing Per Capita Grant Funds from State Proposition 68

Parks and Recreation Director Leek provided an update on the Playground Resurfacing Project which utilizes per capita grant funds from State Proposition 68. She reported that the City recognized that a full replacement of the deteriorating rubber surfacing was necessary in order to mitigate risks that currently exist at the playground area and to keep it ADA (Americans with Disabilities Act) accessible.

After Council questions, the following members of the public made a comment:

June Heavner advocated to keep the sand play area but was also open to exploring a new location if needed.

Linda Salmon commented that sand play is important but the sand box should be located further away from the rubber surface.

Jennifer Bousquet commented that the City is trying to keep our kids safe with this project.

Sarah Mills supported the project and commented that this is both a safety and inclusion issue.

City Clerk Padilla noted for the record that Council received the following correspondences on this item:

Elizabeth Larson (11/2/23) Preservation of the Sand Playground at Community Park

Elna Miller (11/2/23) In Support of Sand

Lyora Zadik (11/2/23) Sand

Michelle Woodruff (11/2/23) A comment for tonight's meeting regarding sand at the Community Park Playground

Khalia Harding (11/2/23) Brisbane Park playground changes

Madeline Johnson (11/2/23) Comment for city council meeting playground discussion

Haley Maureen Smith Henderson (11/2/23) Comment about Resurfacing

Councilmember Mackin was concerned about the toxicity of the surface material and the injuries that the rubber surface creates such as rebound damages.

After further Council discussion, Linda Salmon commented that signage can be used to remind the public about the risks in the park and Sarah Mills commented she was also concerned about kids putting the current rubber flooring in their mouth.

Councilmember Lentz directed staff to clarify with the contractors whether the top surface could be made 1 inch vs. 0.5 inch, and Mayor Davis directed staff to provide regular maintenance of the new rubber surface and to utilize the warranty if needed. Mayor Davis added that the City can explore options for a new sand area in the future.

STAFF REPORTS

K. City Manager's Report on Upcoming Activities

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

MAYOR/COUNCIL MATTERS

L. Countywide Assignments and Subcommittee Reports

Councilmembers reported on their countywide assignments and subcommittee meetings.

M. Written Communications

City Clerk Padilla stated that the following correspondence were received between 10/20/23-11/2/2023:

- Dana Dillworth (10/31/23) Closed Session - Consideration of the Sale of Rails-to-Trails Public Land Within Our Watershed Without Proper Authority
- Whitney Jones (11/1/23) Sangamo Therapeutics, Inc. CA WARN Act Notice to Brisbane City Council
- Elizabeth Larson (11/2/23) Preservation of the Sand Playground at Community Park
- Elna Miller (11/2/23) In Support of Sand
- Lyora Zadik (11/2/23) Sand
- Michelle Woodruff (11/2/23) A comment for tonight's meeting regarding sand at the Community Park Playground
- Khalia Harding (11/2/23) Brisbane Park playground changes
- Madeline Johnson (11/2/23) Comment for city council meeting playground discussion
- Haley Maureen Smith Henderson (11/2/23) Comment about Resurfacing

ORAL COMMUNICATIONS NO. 2

Linda Salmon commented that she is concerned about the City potentially selling the public land discussed at Closed Session.

ADJOURNMENT

Mayor Davis adjourned the meeting at 9:30 P.M.

Ingrid Padilla
City Clerk

File Attachments for Item:

C. Approve Minutes of City Council Closed Session Meeting of November 2, 2023



BRISBANE CITY COUNCIL**ACTION MINUTES**

BRISBANE CITY COUNCIL CLOSED SESSION MEETING**THURSDAY, NOVEMBER 2, 2023***HYBRID MEETING, 50 PARK PLACE LARGE CONFERENCE ROOM,
BRISBANE, CA***7:00 P.M. CLOSED SESSION****A. Approval of the Closed Session Agenda**

B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda

C. Adjournment into Closed Session

Mayor Davis called the meeting to order at 7:01 P.M.

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

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

Noes: None

Absent: None

Abstain: None

Michele Salmon spoke under Public Comment and commented that she is very opposed to selling the public property that will be discussed in the Real Property Negotiation.

City Clerk Padilla noted for the record that correspondence was received about Item D from Dana Dillworth noting that she objects to the consideration of the sale of our public land.

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR UNDER GOVERNMENT CODE SECTION 54956.8

PROPERTY: A portion of Lot 1, Block I, Tract 862, being approximately 29,000 square feet and located generally west of South Hill Drive

NEGOTIATOR: City Manager Clay Holstine

NEGOTIATING PARTIES: City of Brisbane, BLT Enterprises

UNDER NEGOTIATION: Terms of Payment

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that Council made no decision and staff was given direction on the Real Property Negotiation Item.

ADJOURNMENT

The meeting was adjourned at 7:35 P.M.

Ingrid Padilla, City Clerk

File Attachments for Item:

D. Approve Lyrical Opposition's "Re-Entrification" Documentary Screening as a Cosponsored Event



CITY COUNCIL AGENDA REPORT

Meeting Date: 11/16/2023

From: Jeff Franco, Recreation Coordinator
Noreen Leek, Parks & Recreation Director

Subject: Application for Event Cosponsorship

Community Goal/Result

Community Building & Fundraising

Purpose

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

Recommendation

Approve Lyrical Opposition's "Re-Entrification" documentary screening as a cosponsored event.

Background

Lyrical Opposition is a Non-profit 501(c)(3) organization established in 2020. Their mission is to foster lyrical arts that advances social justice and systemic change efforts by cultivating messages of hope that inspire and empower. They have provided multiple admission-free art events throughout Brisbane, bringing patronage to local establishments. They also hosted an admission-free festival and fundraiser highlighting local artists, filmmakers, and vendors.

Discussion

Lyrical Opposition's Re-Entrification: Documentary Screening will be held at the Mission Blue Center on Saturday, January 20, 2024 from 6:00-8:00pm. Any funds raised at the event will benefit their nonprofit work. The event will include the documentary screening itself followed by an interactive Q&A panel. Admission is free to the general public. Meeting the Group II requirements with the event open to the general public qualifies them for free use of the facility and waives the deposit requirement.

Fiscal Impact

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

FINANCIAL IMPACT SUMMARY BASED ON APPLICATION

Hourly Rental of Mission Blue Center	Approximately 4 hours @ \$350/hour = \$1,400 (including set up/clean up)	Waived per City policy for Non-profit use
Mission Blue Rental Deposit	\$500 (Typically refundable absent damages)	Waived per City policy for Non-profit use

Indoor Event Insurance	Approximately \$100-\$250/event. <i>(Renters are typically required to procure insurance on their own and provide a copy to the city.)</i>	Requesting requirement be waived
Promotional and Marketing Support	Waived	

Attachments

1. Cosponsorship application

Jeff Franco

Jeff Franco, Recreation Coordinator

Noreen Leek

Noreen Leek, Parks & Recreation Director

Clay Holstine

Clay Holstine, City Manager



CITY OF BRISBANE COSPONSORSHIP APPLICATION

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

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

APPLICANT INFORMATION

Name of Contact Person: Christian Bustos Phone: 415-359-5540
Email: christian@lyricalopposition.org
Name of Organization: Lyrical Opposition Organization Website: www.lyricalopposition.org
Organization Address or P.O. Box: 132 Visitacion Ave, Brisbane, CA 94005

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

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

What year did your organization begin serving the Brisbane community? 2020

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

We have provided admission-free arts events at multiple Brisbane restaurants and brought patronage to their establishments. We provided an admission-free festival and fundraiser that highlighted local artists, filmmakers and vendors. We host mixers every year as well.

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

Our mission is to foster lyrical arts that advances social justice and systemic change efforts by cultivating messages of hope that inspire and empower.

EVENT DETAILS

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

Name of Event: Re-Entrification: Documentary Screening Event Set-up Start Time: 5pm
Event Date (mm/dd/yy): January 20, 2024 Event Start Time: 6pm
Event Day of Week: Saturday Event End Time: 8pm
Event Location: Mission Blue Center

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

Documentary screening plus a Q&A panel.

Will there be any fundraising at this event? Y If yes, what will the funds raised be used for? Free arts and film events

Are there any admission fees for this event? N If yes, please list them here: _____

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

INDOOR FACILITY ACCESS REQUEST

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

Date of Facility Access (mm/dd/yy): January 20, 2024 Opening Time: 5pm Closing Time: 8pm
Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____
Date of Facility Access (mm/dd/yy): _____ Opening Time: _____ Closing Time: _____

EQUIPMENT USE REQUEST

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

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

Mission Blue Center ONLY

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

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

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

PERMITS

Alcoholic Beverage Permit

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

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

Food & Beverage Permits - Outdoor Events Only

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

Traffic Permits

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

Amplified Sound Permits - Outdoor Events Only

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

Brisbane Business License

Do you intend to sell goods of any kind at your event? _____ If yes, you must have a valid [Brisbane Business License](#)

ADDITIONAL SUPPORT

To request promotional support, please circle the specific areas you would like support with. (Please note: promotional support is not guaranteed. Any graphics or content for your event are expected to be provided by the applicant.)

a. Brisbane Signboards b. Social Media c. City Website d. City Publications Other: _____

USE AGREEMENT & LIABILITY RELEASE

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

Applicant Signature *Christina Bunk* Date 10/9/2023

ADMINISTRATIVE SECTION

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

File Attachments for Item:

E. Award the Contract for the Public Art Master Plan to NINE dot ARTS, in the Amount of \$75,000

(The cost of NINE dot ARTS master planning services for this project is \$75,000 and will be paid for using the Public Art Fund (Fund 275). The Public Art Advisory Committee is also recommending a 20% contingency (or \$15,000) to draw from as needed to support master planning efforts.)



CITY COUNCIL AGENDA REPORT

Meeting Date: November 16, 2023

From: Noreen Leek, Parks & Recreation Director

Subject: Award of Contract to NINE dot ARTS for Public Art Master Plan

Community Goal/Result

Community Building

Purpose

To increase citizens' appreciation of art, improve quality of life, and to enhance Brisbane's identity as a unique community within the greater Bay Area.

Recommendation

Award the contract for the public art master plan to NINE dot ARTS, in the amount of \$75,000.

Background

As outlined in the City's Art in Public Places Ordinance, public art has the power to energize our public spaces, arouse our thinking, and transform the places where we live, work, and play into more welcoming and beautiful environments that invite interaction. By its presence alone, public art can heighten our awareness, question our assumptions, transform a landscape, or express community values, and for these reasons it can have the power, over time, to transform a city's image. Public art helps define a community's identity and reveal its unique character.

On June 1, 2023, the City Council provided direction to staff to proceed with a Request for Proposals (RFP) to solicit prospective firms for the purpose of establishing a Public Art Master Plan. The master plan will provide long-term direction to the Public Art Advisory Committee and the City Council on the planning and processes necessary to further develop, administer and maintain a dynamic public art program in the City of Brisbane. The consultant will be responsible for developing policies and procedures, prioritizing City needs related to public art, and identifying types and locations of art throughout the City in order to establish a clear future for public art in the City of Brisbane. The Consultant will work collaboratively with the City's Public Art Advisory Committee and City Staff to ensure broad public outreach and involvement to curate a vision for Brisbane's public art. The master plan for public art in Brisbane will include integration of art in both existing and to be built public spaces. Future opportunities for art are anticipated in areas such as the Crocker Trail, Sierra Point, and the Baylands.

Discussion

The Public Art Advisory Committee met to review the five responses to the RFP and elected to conduct interviews with three short-listed firms to inform their decision-making process. On October 30, 2023, the Public Art Advisory Committee interviewed NINE dot Arts, Designing Local, and Gail Goldman & Associates. The Committee unanimously recommended NINE dot ARTS as the preferred consultant.

Fiscal Impact

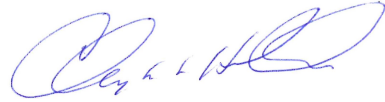
The cost of NINE dot ARTS master planning services for this project is \$75,000 and will be paid for using the Public Art Fund (Fund 275). The Public Art Advisory Committee is also recommending a 20% contingency (or \$15,000) to draw from as needed to support master planning efforts. An example of this would be the costs associated with facilitating community engagement events. This approach aligns with industry best practices and funds are available to support this within the Public Art Fund.

Attachments

1. NINE dot ARTS DRAFT Agreement
2. NINE dot ARTS Proposal Packet



Noreen Leek, Parks & Recreation Director



Clay Holstine, City Manager

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT dated November 16, 2023 is made by and between THE CITY OF BRISBANE, a municipal corporation ("City"), and NINE dot ARTS ("Consultant").

RECITALS

- A. City desires to retain Consultant to prepare a public art master plan.
- B. Consultant is specially trained, experienced, and qualified to provide such professional services and is willing to do so pursuant to the terms and conditions of this Agreement.

AGREEMENT

1. **Scope of Services.** Subject to the direction and approval of City through its staff that City may provide from time to time, Consultant shall perform the services described in the scope of work outlined in the Consultant's proposal (*Exhibit A*) referenced herein.
2. **Time of Performance.** The services of Consultant shall commence upon the execution of this Agreement and shall be satisfactorily completed within the agreed upon timeframe.
3. **Responsible Personnel.** The personnel acting on behalf of Consultant primarily responsible for performance of the services hereunder shall be as set forth within Exhibit A.
4. **Compensation.** As compensation for all services to be performed by Consultant under this Agreement, Consultant shall be paid the amounts set forth and incorporated herein as Exhibit A. In no event shall Consultant's total compensation exceed the agreed upon sum without additional authorization from City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to City at the time of payment.
5. **Method of Payment.** Consultant shall submit billings to City describing in detail the work performed for which payment is requested and a description of any reimbursable expenditures. Consultant shall submit billings to City following an invoicing schedule that aligns with the Consultant's phased scope of work and per a mutually agreed upon schedule between the City and Consultant. City shall pay Consultant no later than 30 days after approval of the invoice by City. Such payment shall not be unreasonably withheld.
6. **Maintenance and Inspection of Records.** Consultant shall maintain all ledgers, books of account, invoices, vouchers, canceled checks, timecards, and other records or documents relating to charges for services or expenditures charged to City, for a minimum of three (3) years from the date of final payment to Consultant under this Agreement and shall make the same available to City or its authorized representatives for inspection and audit, at any time during regular business hours, upon written request by City. The right of inspection shall include the right to make extracts and copies.

7. **Assignment and Subcontracts.** Consultant acknowledges that Consultant's skill and expertise is a material consideration for City entering into this Agreement. Consultant shall not assign, subcontract or delegate to any other party the performance of any services to be rendered by Consultant or Subconsultants without the prior written approval of City. If City consents to any sub-consulting of work, Consultant shall be fully responsible to City for all acts or omissions of the subconsultant.

8. **Ownership of Documents.** Upon payment of fees and expenses due, all plans, studies, documents, and other writings prepared by and for the Consultant in the course of performing its services under this Agreement, except working notes and internal documents, shall become the property of City, and City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, upon receipt of final payment for services, provide such reports, plans, studies, documents, and other writings to City. City will indemnify and hold harmless Consultant from future use or misuse of aforementioned plans, studies, documents, etc. CMG is entitled to use documents and materials prepared for the project, for promotional purposes.

9. **Independent Contractor.** Consultant is, and at all times shall remain, an independent contractor, and not an agent, officer or employee of City. As an independent contractor, neither Consultant nor any of Consultant's agents or employees shall be entitled to any salary, fringe benefits, worker's compensation, retirement contributions, sick leave, insurance, or other benefit or right connected with employment by City, or any compensation other than as provided in this Agreement. Consultant shall have no power or authority to bind City to any contract or otherwise to incur any obligation or liability for, or on behalf, or in the name of City.

10. **Licenses.** Consultant represents and warrants to City that Consultant has all licenses, permits, qualifications, insurance, and approvals of whatsoever nature that are legally required of Consultant to practice its profession. Consultant shall, at its sole cost and expense, keep and maintain such licenses, permits, qualifications, insurance and approvals in full force and effect at all times during the term of this Agreement. Consultant shall procure and thereafter maintain a City of Brisbane business license during the term of this Agreement.

11. **Compliance with Laws.** Consultant shall use the standard of care in its profession to comply with all applicable published federal, state and local laws, codes, ordinances and regulations in connection with the performance of its services under this Agreement.

12. **Employment Eligibility.** At the request of City, Consultant shall furnish to City copies of Employment Eligibility Verifications (INS Form I-9) or other evidence satisfactory to City showing that any or all persons providing services under this Agreement for on behalf of Consultant is eligible to be employed in the United States. In the event Consultant is unable or unwilling to provide the employment eligibility verification within ten (10) days after City's request, City may require the immediate removal from the project of such workers as specified by City, and upon any failure by Consultant to do so, City shall be entitled to terminate this Agreement.

13. **Indemnity.** Consultant shall indemnify, defend, and hold City, its officers, officials, employees and volunteers, harmless from and against any and all claims, demands, causes of action, losses, damages, injuries, expenses and liabilities, including reasonable attorney's fees, to the extent actually caused by negligence or willful misconduct in the performance by Consultant of its services under this Agreement or its failure to comply with any of the its obligations contained in this Agreement, and City shall not be liable for any negligent acts or omissions or willful misconduct of Consultant. Consultant shall not be liable for the negligent acts or omissions or willful misconduct of the City.

14. **Insurance.** Consultant, at its own expense, shall procure and maintain, for the duration of this Agreement, insurance policies, which satisfy the following requirements:

(a) Type of policies and coverage:

- (1) *General Liability Coverage.* Consultant shall maintain commercial general liability insurance in an amount not less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage, providing coverage at least as broad as Insurance Services Office Commercial General Liability form CG 0001 (Ed. 11/88). If the form of insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.
- (2) *Automobile Liability Coverage.* Consultant shall maintain automobile liability insurance in an amount not less than \$1,000,000 combined single limit for each occurrence, for bodily injury and property damage, providing coverage at least as broad as Insurance Services Office form CA 0001 (Ed. 12/90) Code 1 (any auto).
- (3) *Workers' Compensation and Employer's Liability Coverage.* Consultant shall maintain workers' compensation insurance as required by the State of California and employer's liability insurance in an amount not less than \$1,000,000 per occurrence, for any and all persons employed by Consultant in connection with the performance of services under this Agreement. In the alternative, Consultants may rely on a self-insurance program to provide this coverage so long as the program of self-insurance complies fully with the provisions of the California Labor Code. The insurer, if insurance is provided, or Consultants, if a program of self-insurance is provided, shall waive all rights of subrogation against City for loss arising from work performed by Consultants for City.
- (4) *Professional Liability Coverage.* Consultant shall maintain professional errors and omissions liability insurance in an amount not less than \$1,000,000 per claim, covering negligent acts, errors or omissions which may be committed by Consultant in the performance of its services under this Agreement.

(b) Endorsements: Each general liability and automobile liability insurance policy shall contain, or be endorsed to contain, the following provisions:

- (1) The City, its officers, officials, employees, agents, and volunteers are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied, or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, its officers, officials, employees, agents, or volunteers.

- (2) For any claims related to the Project, Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, employees, agents, or volunteers shall be excess of Consultants' insurance and shall not contribute with it.
 - (3) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to City, its officers, officials, employees, agents, or volunteers.
 - (4) Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
 - (5) Consultant's insurance coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to City.
 - (c) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by City. At City's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retentions.
 - (d) Acceptability of Insurers. Insurance is to be placed with insurers having a current A.M. Best rating of no less than A: VII, unless otherwise approved by City in writing.
 - (e) Verification of coverage. Consultant shall provide certificates of insurance with original endorsements to City as evidence of the insurance coverage required by this Agreement. Certificates of such insurance shall be filed with City before commencement of work by Consultant. At the request of City, Consultant shall provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by this Agreement.
15. **Notices.** Any notices required or permitted to be given under this Agreement shall be in writing and shall be either personally delivered or sent by certified mail, return receipt requested, addressed to the other party as follows:

To City

City of Brisbane
50 Park Lane
Brisbane, CA 94005
Attn.: City Manager

To Consultant

NINE dot ARTS
3734 Osage Street
Denver, CO 80211
Attn.: Jackie Fraser

16. **No Recovery of Litigation Fees and Costs.** In the event of litigation, including administrative proceedings, related to this Agreement, including, but not limited to, any action or suit by any party, assignee, or beneficiary against any other party, assignee or beneficiary, to enforce, interpret, or seek

relief from any provision or obligation arising out of this Agreement, the parties and litigants shall bear their own attorneys' fees and costs. No party or litigant shall be entitled to recover any attorneys' fees or costs from any other party or litigant, regardless of which party might prevail or be determined to be a prevailing party.

17. Termination of Agreement. This Agreement may be terminated by any party, effective upon written notice, should the other party commit any material default in the performance of its obligations hereunder. This Agreement may also be terminated by either party, for any reason, upon fifteen (15) day's prior written notice to the other party. In the event this Agreement is terminated by City through no fault of Consultant, Consultant shall be compensated for all services performed to the date of termination.

18. Equal Opportunity Employment. Consultant warrants that it is an Equal Opportunity Employer and shall comply with applicable regulations governing equal opportunity employment.

19. Miscellaneous Provisions.

- (a) Severability. Should any portion of this Agreement be declared void or unenforceable in a final decision by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement can be reasonably interpreted to implement the intention of the parties.
- (b) Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes and cancels all prior agreements or understandings, whether written or verbal.
- (c) Amendments. This Agreement may be modified or amended only by a written document duly executed by both City and Consultant.
- (d) Waiver. The waiver of any breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same provision or any other provision of this Agreement.
- (e) Execution. Each party warrants that the individuals signing this Agreement on its behalf have the legal power and authority to do so and to bind the party to this Agreement.
- (f) Successors and Assigns. Subject to the restriction against assignment and subcontracting, this Agreement shall be inure to the benefit of and shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

THE CITY OF BRISBANE

By: _____
Clayton L. Holstine, City Manager

ATTEST:

Ingrid Padilla, City Clerk

APPROVED AS TO FORM:

CONSULTANT

By: _____
Jackie Fraser, Director of Business
Development, NINE dot ARTS

Michael Roush
Legal Counsel

NINE  ARTS

CITY OF BRISBANE

Public Art Master Plan



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NINE dot ARTS, Corp.

Established 2009

Phone: 303-999-0383

Email: letstalk@ninedotarts.com

Offices:

NINE dot ARTS Headquarters

3734 Osage Street

Denver, CO 80211

Seattle Office

3146 Portage Bay Place E Unit G

Seattle, WA 98102

Point of Contact for Contract Negotiations:

Jackie Fraser

Director of Business Development

NINE dot ARTS

jackie@ninedotarts.com

+1-720-515-6310

3146 Portage Bay Place E Unit G

Seattle, WA 98102

To Ms. Noreen Leek,

NINE dot ARTS is thrilled about the opportunity to develop the first Public Art Master Plan for the City of Brisbane, California. We are always inspired by the opportunity to shape the creative fabric of a place and demonstrate how art can be so much more than a tool for entertainment and beautification. It can produce vibrant destinations that strengthen local economies and make a positive social impact.

As a certified DBE, W/MBE, and SBE company, NINE dot ARTS offers unmatched experience that spans various business categories. Our services range from commissioning dynamic public art installations to developing comprehensive art and cultural master plans for places like Denver's River Mile Metropolitan District; the City of Kirkland, Washington; the Denver International Airport; the City of Wichita, Kansas; 6th Street in Austin, Texas; the River District in Charlotte, North Carolina; and more. We have worked with everyone from artists and engineers to developers, architects, community organizations, and cities to complete nearly 1,000 projects spanning 39 states and five countries. This has allowed us to support hundreds of emerging and underrepresented artists and generate more than \$50 million in revenue for the creative economy.

Unique features we will bring to this project include our ability to analyze and develop public art policies, requirements, and best practices; our creative community engagement activities to gain public buy-in and support city approvals; our one-of-a-kind visioning exercise to build consensus across project participants; and our exceptional ability to help cities like Brisbane reap maximum social and financial value from their public art program. More information about our differentiators can be found in the following page titled "Our Company Pillars."

This document provides the requested information about NINE dot ARTS, your proposed consulting team, examples of past projects, and other details that demonstrate our ability to successfully fulfill the City's scope of work. We look forward to the opportunity to partner with the City and its residents to create a Public Art Master Plan that will help shape Brisbane's evolution, improve the experience of its residents and visitors, and grow its social, cultural, and financial capital for years to come.

Thank you for considering us as your partner in placemaking.

Sincerely,



Jackie Fraser
Director of Business Development
NINE dot ARTS
jackie@ninedotarts.com

our company **PILLARS**

As a partner in placemaking, we help our clients transform spaces into one-of-a-kind experiences through the power of art and culture.

NATIONAL TEAM OF SPECIALISTS

As a national art consultancy with over 30 specialists, we can support projects of any size and scale. Our size allows us to deliver quality, scope, and scale.

- From boutique hotels to 20,000-acre art master plans
- Comprehensive project management
- On time, on budget, every time
- Network of 10,000+ artists
- Available nationwide
- National team, local artwork

STRATEGIC PARTNERSHIP

As your strategic partners, we understand your project's brand, vision, and goals. And with this knowledge, we deliver.

- Bring your brand to life
- Connect to the community
- Spark conversation
- Create a sense of place

COLLABORATIVE PROCESS

Our proven creative process makes art curation and master planning a collaborative, efficient, and enjoyable working experience. And by being involved early, we help create spaces for bold, iconic artwork that would be impossible anywhere else. Plus, we do the heavy lifting to give you peace of mind.

- Visioning and Roadmap
- Community engagement
- Research and curation
- Art acquisition
- Installation and engagement

CONNECTION TO COMMUNITY

We engage with the community to understand local culture and source artists who reflect it. By partnering with local artists and community leaders, we:

- Draw positive attention for the project
- Generate community goodwill
- Reflect the culture and history of a place
- Uplift local and emerging artists
- Curate meaningful art collections with an authentic story

COMMITMENT TO DEIB

We hold ourselves accountable to ensure diversity, equity, inclusion, and belonging are core components of our firm's ethos at every level. Our curated collections help clients demonstrate their DEIB values.

- Certified W/MBE, SBE, and DBE firm
- Support underrepresented artists
- Honor the culture and history of a place



NINE dot ARTS

STATEMENT OF QUALIFICATIONS

statement of QUALIFICATIONS

With over a decade of award-winning expertise in art curation, consulting, and master planning, our NINE dot ARTS team is uniquely qualified to develop a public art master plan through a process of active public engagement. The following pages demonstrate our approach for completing all items outlined in the scope of work, including and especially providing public art assessments and recommendations, organizing meaningful community outreach, and delivering a cohesive plan that provides clear strategic direction for the future of public art in Brisbane, California.

WORKLOAD AND BACKLOG:

Unlike sole proprietors, our national team of 30+ specialists allows us to complete projects of any size and scale. We average between 100 and 160 active projects at any given time, ranging from \$50,000 to \$2 million or more. Our current workload is 105 active projects with a backlog of approximately \$13.5 million. To complete our work, we utilize a full suite of hiring, communication, collaboration, and accounting software to ensure staff capacity aligns with project requirements and supports seamless project management.

LITIGATION:

NINE dot ARTS has no recent or pending litigation.



project

APPROACH

Phase 0: Project Management - Ongoing

- Development of meeting schedules, agendas, and material preparation
- Recurring check-in meetings completed virtually or in-person
- Monthly project reporting based on percent of work completed
- Ongoing communication and consensus building

Phase 1: Assessments & Recommendations

Task 1: Kick-off meeting

Our team will convene the Public Art Advisory Committee and the appropriate City stakeholders for an initial meeting to lay the groundwork for the project. We will build consensus around shared interests and objectives, walk stakeholders through our proposed project approach, and establish a timeline to share progress and solicit feedback as we move through each of the below phases.

Task 2: Situational Analysis and Data Review

NINE dot ARTS will perform a holistic review of Brisbane's arts and cultural infrastructure, including research into its demographic landscape, industry trends, public engagement data, art and culture policies, and existing public art programming. We will use the findings to analyze the social and economic impact of Brisbane's current public art inventory and programs.

- Review past and current policies, documents, and local codes
- Review and assess priorities of the Public Art Advisory Committee
- Review and assess upcoming and future projects within Brisbane that may provide public art opportunities (i.e. Crocker Trails, Sierra Point, the Baylands, and other public facilities, parks, gathering spaces, and private developments)

Task 3: Comparative Benchmark Review

NINE dot ARTS will review best practices and policies from other comparable city art programs, as well as research various financial resources to help sustain and grow Brisbane's public art and placemaking opportunities.

- Summary of industry best practices
- Define processes and policies for public art and highlight government purchasing procedures relevant to Brisbane
- Suggest programs and strategies to increase funding for public art in Brisbane and help maximize the master plan's impact on the greater city and state

Task 4: Public Art Assessment

We will use initial discussions with the City and findings from our situational analysis and data review to classify the state of public art in Brisbane. This will involve a site visit and ongoing collaboration with the Public Art Advisory Committee and/or recommended stakeholders who can accompany our team and highlight existing public art locations.

- Identify sites for existing and future temporary and permanent public artworks via a site visit and photographing of current and potential new art locations
- Develop criteria for the siting of public art projects; Identify current art typologies and materials used and develop related guidance for any new installations
- Provide guidelines for inclusion of public art in public and private sector development projects
- Provide a general process by which artists are commissioned and selected
- Develop public art policy guidelines for administration of public art, including artwork donations, relocation, removal, maintenance, conservation, and deaccession plans

Phase 2: Public Participation Plan

Task 1: Asset Mapping and Outreach Program Development

NINE dot ARTS will leverage the well-established asset based community development (ABCD) model to identify various assets (individuals, organizations, institutions, etc.) that could aid in the development of the master plan. We will then collaborate with the Public Art Advisory Committee to develop a comprehensive community outreach program consisting of a public survey and community open houses, each intended to solicit feedback that will help define and shape the future of public art in Brisbane. Our team will work with trusted local leaders who have relationships with minority and low-to-moderate income communities to ensure our community engagement strategies prioritize these voices. We anticipate support from the Public Art Advisory Committee to help identify and introduce us to these leaders.

- Evaluate creative assets and local resources that currently (or could potentially) support public art
- Create map(s) visualizing existing assets to be included in the master plan
- Identify local leaders who can support targeted community outreach to minority and low-to-moderate income communities

Task 2: Survey Administration

With input from local leaders, we will develop a thoughtful community survey and strategies for outreach, administration, and data compilation that guarantee participation from a diverse range of stakeholders. The survey will engage residents to reveal needs, aspirations, and general sentiments about public art in Brisbane, helping our team uncover further gaps and/or inequities to be addressed by the updated master plan.

- Develop survey questions and program into relevant software (Qualtrics, Google Forms, etc.)
- Create a dissemination plan and timeline
- Disseminate via City websites, social media, and widespread outreach with support of the Public Art Advisory Committee and community leaders

(Continued)

Task 3: Community Open House

NINE dot ARTS envisions another form of public outreach and engagement such as a community open house at a local arts and culture venue like a gallery or cultural center. During this time, participants can complete the survey verbally with a member of our team who will record their response, or via their phone or iPad as a NINE dot ARTS team member walks them through the process and shares about our endeavor to create the City's first Public Art Master Plan. Hosting community input sessions in a creative environment can incentivize participation from elected officials and local business professionals to youth arts educators and everyone in between. Such widespread public investment and goodwill is critical to promote and sustain the Public Art Master Plan.

- Facilitate Open House with support from the Public Art Advisory Committee
- Coordination and promotion of Open House will be the responsibility of the City; NINE dot ARTS will assist with content creation for invitations and marketing

Task 4: Data Compilation

- Compile and organize all survey data and Open House insights
- Analyze and summarize into a report to be included in the final master plan

Phase 3: Development of Cohesive Plans

Task 1: Vision and Strategy Development

NINE dot ARTS will host a collaborative workshop with key project stakeholders and community leaders to summarize data, insights, and community outreach results from Phases 1 and 2. Based on these results, we will present a draft vision statement, mission statement, values, and guiding principles for the Public Art Master Plan. Following approval of this content, we will develop a long-term strategic plan to help the City of Brisbane codify values and objectives related to public art.

- Progress review and visioning workshop
- Build consensus around a public art vision, mission, values, and guiding principles
- Define specific goals and identify short-term and long-term strategic action items, estimated budgets/ costs, and implementation dates
- Identify relevant tools and resources necessary to complete each action item
- Outline existing assets to inform each action item, as well as metrics for evaluating success

Task 2: Compile Report

NINE dot ARTS will synthesize all work into a concise, comprehensive, and user-friendly report that includes all aforementioned deliverables and...

- Clarification of key themes and values on which the community should focus its public art resources
- Recommendations for program development (such as urban/street art, public art pocket map, murals, banners, community art gallery, artists registry, performing art, music, digital media)
- Measurable steps for achieving public art goals in 1-5 years and forecasting for 15–20 year initiatives
- Preliminary plans for an arts district with recommendations for space, operational needs, and financing strategies

- List of potential locations for future art, including intended space for an artist residency program and/or other community-initiated opportunities
- Application of City of Brisbane map to visually depict traffic patterns, wayfinding, and existing and potential new artwork locations (with their intended typology, functions, and impacts on the audience experience)
- Long-term strategies and priorities for disbursement of the Public Art Fund, as well as suggested funding resources, staffing recommendations, and curatorial support
- Strategies for partnering with key community stakeholders including local businesses, schools, artists, and cultural organizations
- Recommended marketing and audience development strategies to support ongoing community engagement with a focus on cultural diversity and community/neighborhood inclusivity
- Priorities for proposed projects with a projected timeline and financial strategies for implementation
- Analysis of current and best-in-practice metrics, comparisons, redundancies, and context with surrounding cities

Task 3: Revisions and Adoption Support

Once the elements of the plan have been thoroughly written, designed, and organized, we will present its contents to the Public Art Advisory Committee and City Council, allowing time for review and comments. We will then make the necessary revisions to incorporate their feedback into the final plan for adoption, including revising charts, maps, and graphics as needed. This updated version will be delivered in a digital document that NINE dot ARTS can present at a Public Art Advisory Committee meeting and a City Council meeting, as well as to relevant community stakeholders to help generate buy-in and goodwill.

As your strategic partners, NINE dot ARTS is available to be hired on retainer for future art consulting services including curating and installing permanent and temporary public artworks. This may involve a mutually beneficial flat fee for our ongoing advisory services. Our team can provide more details about this arrangement and draft a contract should the City of Brisbane be interested.



NINE dot ARTS

RELEVANT EXPERIENCE & EXAMPLES OF WORK

6th Street Austin

INDUSTRY: MIXED USE **REGION:** SOUTH CENTRAL

CLIENT: STREAM REALTY PARTNERS

SCOPE OF WORK: PUBLIC ART MASTER PLAN

CLIENT VISION:

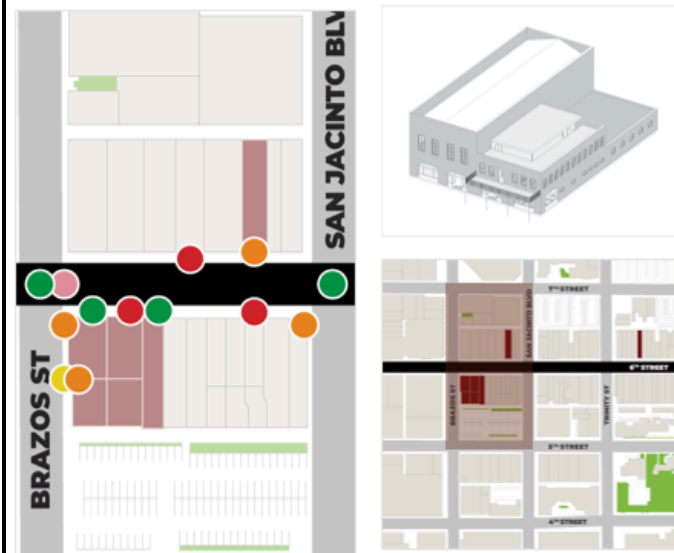
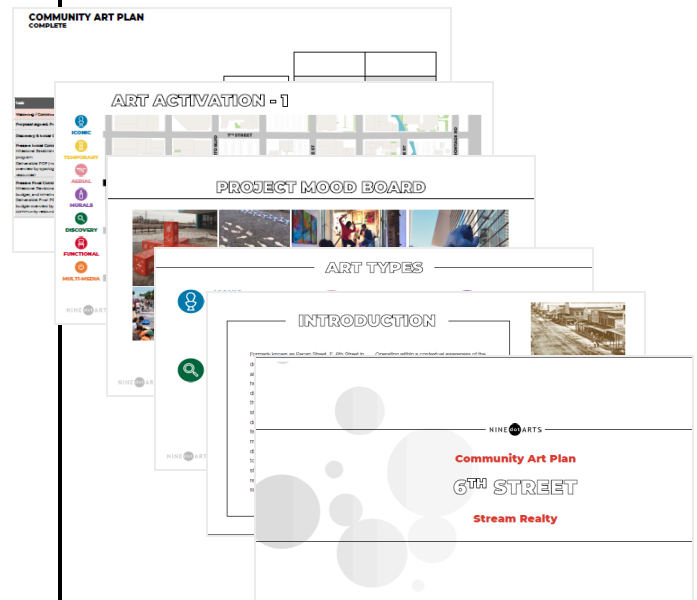
Create a public art program that will amplify the area's historic architecture and mercantile heritage while celebrating the progress of the future

NINE DOT ARTS VALUE ADD:

NINE dot ARTS is currently developing the art master plan for the comprehensive redevelopment of Austin's famous 6th Street, formerly known as Pecan Street. The plan will provide strategic direction for future artwork placement, selection, budgeting, scheduling, and cultural programming. Artwork will celebrate Austin's tech savvy reputation using innovative technologies, materials, and installation methods, as well as honor the street's mercantile and musical past using abstract and realistic visual expression. The collection will integrate the city's natural streetscapes and architecture, creating cohesion from the historic 6th and Brazos to the urban oasis of 6th and I-35 corridor. Our art program will capture the city's unique character by commemorating the voices and stories of the past while pushing artistic boundaries and moving us into the future. Highlights include:

- Art and architectural integration plans
- Art placement based on traffic flow
- RFP process for artist selection
- Community engagement initiatives
- Supervision of installation, lighting, and structural requirements for site-specific artwork
- Art Criteria: discoverable, reflective, diverse, innovative, responsive, destination-worthy, storytelling Art Typologies: iconic, mural, temporary, discovery, functional, aerial, multimedia

See more details on "Client References" page.



DENVER INTERNATIONAL AIRPORT PUBLIC ART AND EXHIBITS MASTER PLAN

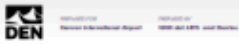


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2. PUBLIC ART AT DEN
3. TEMPORARY EXHIBITS AT DEN
4. ARTISTIC FORMS
5. CONCLUSION

EXECUTIVE SUMMARY

Airports are a unique and important part of our lives. They are a gateway to the world, a place where we meet, travel, and experience. They are also a place where we can find art, culture, and inspiration. This master plan provides a framework for the development of a world-class public art and exhibits program at Denver International Airport (DEN). The plan outlines the mission, vision, and goals of the program, and provides recommendations for the selection, installation, and maintenance of public art and exhibits. The plan also provides a framework for the development of a temporary exhibits program at DEN.

MISSION, VISION, & GOALS

This Master Plan serves to ensure that DEN maintains its world-leading reputation in the arts while enhancing the travel experience of millions of passengers using the airport each year. It provides a strategy for future art selection and guidance for placement that ensures flexibility to accommodate change and growth of the airport over time while balancing the need for maintaining commercial opportunities within the airport environment.

MISSION
To create a world-class public art and exhibits program that enhances the travel experience of millions of passengers using the airport each year.

VISION

DEN is a world-class airport. It is a place where we can find art, culture, and inspiration. This master plan provides a framework for the development of a world-class public art and exhibits program at DEN. The plan outlines the mission, vision, and goals of the program, and provides recommendations for the selection, installation, and maintenance of public art and exhibits.

GOALS

DEN is a world-class airport. It is a place where we can find art, culture, and inspiration. This master plan provides a framework for the development of a world-class public art and exhibits program at DEN. The plan outlines the mission, vision, and goals of the program, and provides recommendations for the selection, installation, and maintenance of public art and exhibits.



THE FUTURE OF DEN

Along with the pace of change, adaptation and growth of DEN comes a huge opportunity to develop an innovative model for a world-class, award-winning art program. With the right approach, art can be integrated successfully and for the long term, allowing for maximum operational flexibility and a vibrant, noteworthy art program. The recommendations and identified areas of focus within this document can adapt the art programming of DEN into a vibrant cultural resource and a destination for innovation.

Art and exhibits can be located in many places at DEN. DEN can explore new locations for art and exhibits that enhance the travel experience of millions of passengers using the airport each year. DEN can explore new locations for art and exhibits that enhance the travel experience of millions of passengers using the airport each year. DEN can explore new locations for art and exhibits that enhance the travel experience of millions of passengers using the airport each year.

Denver International Airport

INDUSTRY: PUBLIC VENUE **REGION:** MOUNTAIN WEST
CLIENT: DENVER INTERNATIONAL AIRPORT
SCOPE OF WORK: PUBLIC ART MASTER PLAN

NINE dot ARTS developed the public art master plan for the Denver International Airport (DEN) to guide its public art and exhibition program and provide strategic direction for its growth and success. To complete this work, we conducted several research phases that required thoughtful public engagement and feedback, including:

- Interviews, roundtable discussions, and surveys with key stakeholders
- In-depth study of the passenger experience in airport travel, including interviews and surveys with a range of travelers
- Assessment and documentation of conditions of the current DEN Arts Program
- A benchmarking study and analysis of industry standards and best practices
- Case studies for successful DEN artworks and collaborations

After synthesizing our findings, we developed the mission, vision, and goals for DEN's art program, outlining numerous public art and exhibition opportunities, zoning and art location placements, art concepts, and more. Further, we used research findings to support the tremendous value behind a dynamic art and culture program, particularly in its ability to engage the greater community and city. Other benefits include: Increasing revenue, Elevating a brand, Creating buzz, Creating a unique sense of place that is memorable to visitors and brings pride to locals, and Enhancing individual and collective wellbeing.

Our team's final plan guides DEN to reap these benefits and more, resulting in a one-of-a-kind experience that combines art, culture, and world-class travel. The plan amplifies DEN's art collection in a way that meets changing traffic flows and demands of the contemporary passenger, while creating a positive and memorable experience that reflects the Western region's rich history and progressive ideals.

The DIA Art Master Plan can be found [here](#)

See more details on "Client References" page.

River Mile

INDUSTRY: MIXED-USE **REGION:** MOUNTAIN WEST
CLIENT: REVESCO PROPERTIES
SCOPE OF WORK: ARTS AND CULTURAL MASTER PLAN

The River Mile is an exciting new mixed-use development planned for downtown Denver, where residents and visitors can access retail, entertainment, nature, and more in a thriving walkable neighborhood infused with art and cultural amenities. Our team developed the art master plan to guide the River Mile's arts and cultural activities over a 25-year project lifecycle (and beyond) while prioritizing local creatives. Our recommendations included:

Art and Cultural Policies and Programming: Our team developed a mission, vision, goals, and guiding principles for integrating art and cultural programming into the infrastructure of the neighborhood. These policies focused on leveraging local talent to produce frequent, diverse cultural events that engage visitors and guests alike. Policies were stable enough to set a foundation yet flexible enough to evolve with the changing needs of the community.

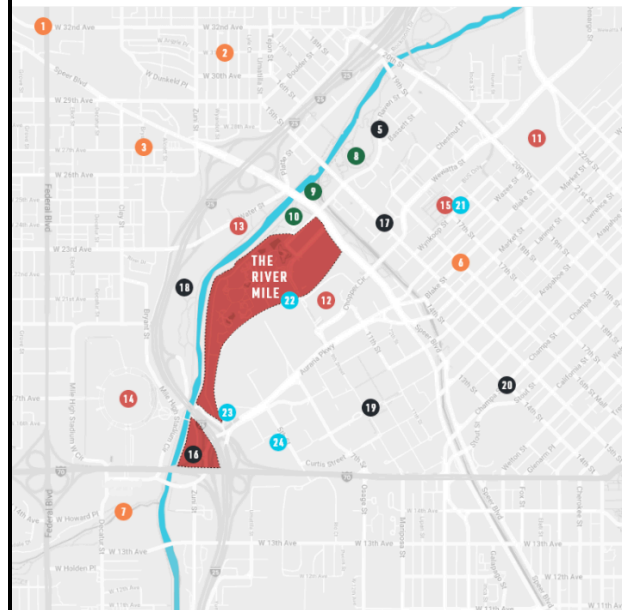
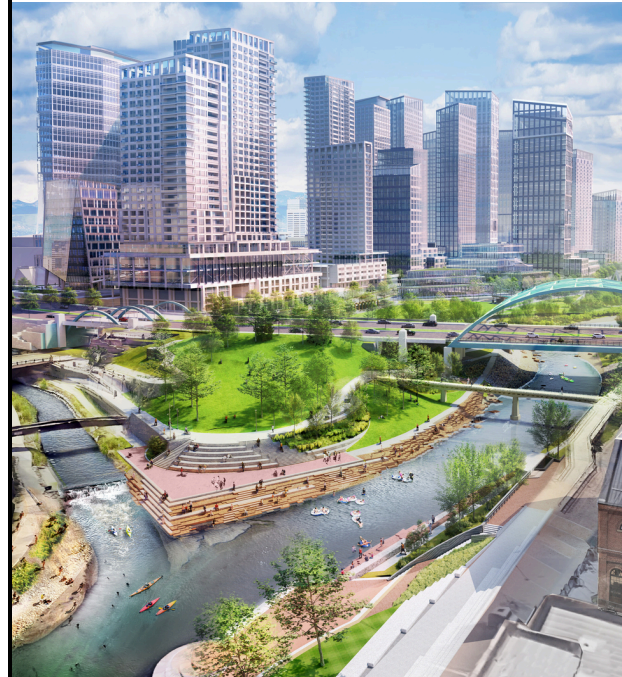
Public Art Integration: We identified art types, goals, and locations that would maximize civic engagement, meanwhile fostering a safe and inviting environment for all.

Localized Art Economy: We provided vertical integration recommendations to create cost efficiencies while uplifting the local labor force. Examples include utilizing excess construction and deconstruction materials for manufacturing and/or on-site fabrication of stage sets, signage, and sculptures. Doing so will both employ Colorado creatives and provide career-building experience for emerging talent through University partnerships.

Financing and Organizing Strategies: Based on a study of ten different developments from around the world, we investigated various organizational models, income sources, and funding types to determine a diversified funding approach that utilizes both percent-of-construction fees and transfer fees applied at lease or sale. Such strategies create a foundation for permanent art infrastructure and community services, generating goodwill and buy-in from residents who join a development.

Mobilizing an Art and Culture Organization: Our team provided guidance for establishing a local arts and culture nonprofit, whose activities would incur additional grants, donations, and event revenue to funding continuous art and cultural programming. We developed an operating plan to guide this organization, ensuring the River Mile remains an integral part of Denver's civic fabric for years to come.

See more details on "Client References" page.





NINE dot ARTS

PROFESSIONAL BACKGROUND

TEAM



MOLLY CASEY
CHEIF CURATOR AND
LEAD CONSULTANT

Role: Provide executive-level guidance and oversight of all art consulting services for the City of Brisbane; Lead the development of the Public Art Master Plan and execution of all items in the scope of work; Oversee daily operations and serve as primary point of contact throughout project

- NINE dot ARTS Chief Curator and Co-founder
- 20 years of art consulting experience, from city-wide public art and cultural planning to the development of private corporate art collections
- Experience mobilizing diverse partnerships across private developers, public agencies, local nonprofits, and creative organizations for capacity building, art activations, and more
- Experience leading and supervising interdisciplinary creative teams through the research, community engagement, curation, acquisition, and installation of a variety of national art experiences
- Degree in Fine Arts (Sculpture)



STEPHANIE MOORE
DIRECTOR OF OPERATIONS
AND PROJECT MANAGER

Role: Oversee comprehensive project management, including supporting stakeholder communications and budget/timeline management

- 14+ years project management experience in commercial development & construction in the hospitality, multifamily, office, and industrial markets
- Project financial management including budgeting, AR, AP, and forecasting for 100 +projects
- Analyzes and mitigates project risks through strong contract knowledge, vendor management, and appropriate insurance coverage
- CREW Charlotte Co-Chair for the Authentic Leadership Committee
- Degree in Art (Digital Art & Ceramics) with Business Minor



ANDREW SHEPHERD
STUDIO AND ADMINISTRATIVE
ASSOCIATE

Role: Assist project team with art program research, outreach, and master plan development; Provide on-call administrative support as needed.

- Supports NINE dot ARTS consulting and curatorial team with site-specific research, program development, installations, and more
- BFA in Painting with expertise in architecture, design, and fine art

Molly Casey

Chief Curator/Consultant and Co-founder



Summary

Molly Casey and Co-founder Martha Weidmann formed NINE dot ARTS in 2009 with the vision of building a forward thinking art consulting company that both curates incredible art experiences and advocates for art and artists. Since then, the firm has completed nearly 1000 projects in real estate development across 39 states and five countries, generating more than \$50 million in revenue for the creative economy. Currently, their artist application, Dotfolio, features over 10,000 artists from around the world.

Molly's leadership and consulting expertise includes working directly with private and public sector clients on projects ranging from curated corporate art collections to robust arts and cultural master plans. She has conducted in-depth project visioning sessions with everyone from architects and designers to developers, community members, and city leaders, facilitating shared decision-making around critical master plan components such as art typologies, location planning, policy development, cultural programming, and more. As Chief Curator, Molly leads, mentors, and supervises interdisciplinary creative teams through the research, curation, community engagement, acquisition, and installation of a range of national art experiences. Her innovative approach to art consulting includes building a global community of artists and developing education, advocacy, and career-building opportunities.

Professional Experience

Chief Curator/Consultant and Co-founder, NINE dot ARTS®, Denver, CO	2009-present
Art Consultant, McGrath and Braun, Denver, CO	2005-2009
Gallery Assistant, Plus Gallery, Denver, CO	2005
Art Elective Teacher, Ebert Elementary School, Denver, CO	2003-2005

Project Highlights

City of Broomfield, Art Master Plan, Broomfield, CO	2023-2024
Centerra, Art Master Plan, Loveland, CO	2022-2023
National Jewish Health, Art Curation & Installation, Denver, CO	2021-2022
Catbird Hotel, Art Curation & Installation, Denver, CO	2020-2022
Porch + Park, Art Curation & Installation, Redmond, WA	2019-2022
Baseline, Art Master Plan, Loveland, CO	2021
El Capitán/La Mainzer, Art Curation & Installation, Merced, CA	2020-2021
Metro Center, Art Master Plan, Aurora, CO	2019-2021
Broadway Station, Art Master Plan, Denver, CO	2020
Denver International Airport, Art Master Plan, Denver, CO	2019-2020
The Rally Hotel, Art Curation & Installation, Denver, CO	2019-2020
Denver Water, Art Curation & Installation, Denver, CO	2018-2020
Dairy Block, Art Master Plan & Curation & Installation, Denver, CO	2016-2018
The Colorado Convention Center, Art Curation & Installation, Denver, CO	2012-2018
TD Ameritrade, Art Curation & Installation, USA	2012-2017
Jackson National Life, Art Curation & Installation, Lansing, MI	2013-2016
The Crawford Hotel at Union Station, Art Curation & Installation, Denver, CO	2012-2014
St. Joseph Hospital, Art Curation & Installation, Denver, CO	2012-2015
Rocky Mountain Hospital for Children, Art Curation & Installation, Denver, CO	2010-2011

Volunteer Experience

Board Member, Think 360 Arts for Learning	2016-present
Quarterly Artist Portfolio Tutorial, NINE dot ARTS	2013-present
Guest Judge, University of Colorado at Denver	2013

Education

Bachelor of Art, University of Colorado Denver, Denver, CO	2005
Independent Art History Study, Paris, France	2001

Stephanie Moore



DIRECTOR OF OPERATIONS | PROJECT MANAGER

Summary

Stephanie has 13+ years of project management experience in the development and construction industry, including several years as a commercial property manager. In addition to being an owner’s representative for the construction of multifamily and office buildings, Stephanie has opened three restaurants for a developer and has worked for a commercial general contractor and a commercial playground firm. The common thread throughout her career has been her passion for making things work. According to Stephanie, no matter the system, process, or problem – there’s always a solution. Stephanie oversees everything from sourcing suppliers to project budgeting and reporting. Additionally, Stephanie holds a degree in fine arts, giving her a nuanced approach to creative problem solving that allows her to identify and mitigate risks, adapt proactively to rapid change, and continuously strengthen both internal and external collaboration.

Professional Experience

Director of Operations, NINE dot ARTS, Charlotte, NC via Denver, CO	2023-present
Senior Project Manager, NINE dot ARTS, Charlotte, NC via Denver, CO	2021-2023
Operations Analyst, Concorde Construction Company, Charlotte, NC	2019-2020
Senior Real Estate Manager, CBRE Inc., Charlotte, NC	2018-2019
Project & Process Manager, New Forum Inc., Charlotte, NC	2017-2018
Property & Project Manager, New Forum Inc., Charlotte, NC	2014-2017
Assistant Property Manager/Project Coordinator, New Forum Inc., Charlotte, NC	2011-2018
Senior Project Manager, Cunningham Associates Inc., Charlotte, NC	2008-2011
Mortgage Loan Officer Assistant, The Stoner Venable Team, Charlotte, NC	2005-2008

Memberships and Associations

Licensed North Carolina Real Estate Broker, Charlotte, NC	2018-present
Co-Chair of Leadership Program Committee, Charlotte Chapter of CREW, Charlotte, NC	2020-present
CREW Charlotte Authentic Leadership Program Graduate, Charlotte, NC	2019

Education

Bachelors of Art, Minor in Business Administration, Elon University, Elon, NC	2002
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Andrew Shepherd

Studio and Administrative Associate

Summary

Andrew Shepherd is a Studio Associate at NINE dot aRTS whose own artistic practice informs his expertise in art curation, acquisition, and overall arts advocacy. At the Savannah College of Art and Design, Andrew studied painting and printmaking, building a studio practice that works across new media, painting, and the built environment. Andrew supports NINE dot ARTS’ consulting teams by providing comprehensive research and leveraging productivity software to help program and manage projects from conception to completion. He develops complex inventories, manages budgets, and delivers technical strategies to organize and execute expansive art programs for a range of private and public sector clients.

Professional Experience

Studio Associate, NINE dot ARTS, Denver, CO	March 2022-present
New Media Artist, Professional Practice, Denver, CO	Jan 2019-present
Hospitality Generalist, Catherine Ward House Inn, Savannah, GA	2018-2021

Project Highlights

Centerra, Art Master Plan, Loveland, CO	2022-2023
Le Meridien Hotel, Art Curation & Installation, Salt Lake City, UT	2022-2023
Cherry Hills Country Club, Art Curation & Installation, Cherry Hills Village, CO	2022-2023
Sylvan Uptown Apartments, Art Curation & Installation, Denver, CO	2022
The Mansion, Art Master Plan & Installation, Savannah, GA	2022-2023

Volunteer Experience

Presenter, Cumulative BFA Exhibition, Savannah, GA	2021
Volunteer Canvasser, Bernie Sanders Campaign, SC	2020

Education

Bachelors of Fine Art, Savannah College of Art and Design	2021
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NINE dot ARTS

LIST OF CLIENT REFERENCES

REFERENCES

6TH STREET AUSTIN

Scope & Scale: Public Art Master Plan for six city blocks in downtown Austin, TX
 Cost: \$144,000
 Year Constructed: ongoing
 Project Duration: June 2021 - June 2024 (project underway)

CLIENT REFERENCE:

Caitlyn Ryan, Senior Vice President, Stream Realty Partners
cryan@streamrealty.com
 512-947-4468

DENVER INTERNATIONAL AIRPORT

Scope & Scale: Public Art Master Plan across 52 square miles of airport in Denver, CO
 Cost: \$343,049
 Year Constructed: airport was constructed in 1995
 Project Duration: March 2019 - October 2020

CLIENT REFERENCE:

Stacey Stegman, VP of Communications, Marketing, and Customer Service, Denver International Airport
stacey.stegman@flydenver.com
 303-342-2276

RIVER MILE

Scope & Scale: Arts and Cultural Master Plan for a 62-acre mixed-used neighborhood in Denver, CO
 Cost: \$73,000 for Master Plan, with a planned \$30M in public art installations generated over 30 years
 Year Constructed: ongoing
 Project Duration: October 2019 - June 2020

CLIENT REFERENCE:

Rhys Duggan, President and CEO, Revesco Properties
rduggan@revescoproperties.com
 303-870-8600

MIDTOWN SQUARE

Scope & Scale: Arts and Cultural Master Plan for a public square in Seattle, WA with 27,000 square feet of retail and a 432-unit multifamily building
 Cost: \$500,000
 Year Constructed: 2022
 Project Duration: November 2019 - November 2020

CLIENT REFERENCE:

Vivian Phillips, Founder and Editor in Chief of nonprofit Arte Noir
vivphil@msn.com
 206-227-7747

Patrick Foley, Co-Founder, Lake Union Partners
pat@lakeunionpartners.com
 206-850-6637

COLORADO STATE UNIVERSITY SPUR CAMPUS

Scope & Scale: Public Art Master Plan for 296,000 square feet across three research centers in Denver, CO
 Cost: \$75,000 for Public Art Master Plan; \$1.2 million total art budget
 Year Constructed: 2022
 Project Duration: April 2019 - November 2019

CLIENT REFERENCE:

Jocelyn Hittle, Associate Vice Chancellor Spur Special Projects, Colorado State University System
Jocelyn.Hittle@colostate.edu
 303-718-0931



WE'RE READY TO CREATE SOMETHING MEMORABLE

**LET'S WORK TOGETHER TO DEVELOP A MEANINGFUL
PUBLIC ART PLAN FOR BRISBANE, CALIFORNIA**

303.999.0383

Jackie@NINEdotARTS.com

proposed

BUDGET

PHASES AND TASKS	DURATION	CONSULTING FEES
PHASE 0: PROJECT MANAGEMENT	ONGOING	\$ 2,000
PHASE 1: ASSESSMENTS & RECOMMENDATIONS	8 WEEKS	\$ 20,000
Task 1: Kick-Off Meeting		\$ 5,000
Task 2: Situational Analysis and Data Review		\$ 4,000
Task 3: Comparative Benchmark Review		\$ 5,000
Task 4: Public Art Assessment		\$ 6,000
PHASE 2: PUBLIC PARTICIPATION PLAN	16 WEEKS	\$ 30,000
Task 1: Asset Mapping and Outreach Program Development		\$ 5,000
Task 2: Survey Administration		\$ 8,000
Task 3: Community Open House		\$ 8,000
Task 4: Data Compilation		\$ 9,000
PHASE 3: DEVELOPMENT OF COHESIVE PLANS	12 WEEKS	\$ 18,000
Task 1: Vision and Strategy Development		\$ 8,000
Task 2: Compile Report		\$ 8,000
Task 3: Revisions and Adoption Support		\$ 2,000
TRAVEL	(2-3 SITE VISITS)	\$ 5,000
WORK COMPLETED	36 weeks (9 months)	\$ 75,000

Total not to exceed = \$75,000

Hourly Rates

Director of Curatorial and Lead Consultant: \$275/hour
 Director of Operations and Project Manager: \$200/hour
 Studio & Administrative Associate: \$120/hour

Travel or Trip Charges

All reimbursable expenses related to site visits will be accounted for in the \$5,000 allotted for travel above.

File Attachments for Item:

F. Adopt a Resolution to Amend a Project List for Fiscal Year 2023-23 Funded by SB 1: The Road Repair and Accountability Act of 2017

(The pavement projects listed in the proposed Resolution are categorically exempt from CEQA per CCR Title 14 §15302. The following amended list of the proposed projects will be funded in-part or solely with \$104,377 of Fiscal Year 2022-23 Road Maintenance and Rehabilitation Account revenues.)



CITY COUNCIL AGENDA REPORT

Meeting Date: November 16, 2023

From: Tomas Santoyo-Velazquez, Assistant Engineer

Subject: Revision to Project List for FY 22-23 RMRA Funding

The pavement projects listed in the proposed Resolution are categorically exempt from CEQA per CCR Title 14 §15302.

Community Goal/Result: Safe Community

Purpose

To revise the list of projects that will be completed in full or in-part with FY 22-23 funds from the Road Maintenance and Rehabilitation Account (RMRA) established by SB 1 (Beall, 2017)

Recommendation

Approve a Resolution to “To Amend a Project List for Fiscal Year 2022-2023 Funded by SB 1: The Road Repair and Accountability Act of 2017.”

Background

Consistent with the requirements of SB 1, Council on April 21, 2022 approved by Resolution a list of paving repair projects to be funded from the RMRA. Please see attached staff report from that date for further background.

Discussion

After further review of the City’s Pavement Management System and the condition of existing streets, staff has determined that the most efficient use of these funds and the most effective way to increase the citywide Pavement Condition Index is to maintain the streets listed on the Resolution specified in the Recommendation.

Environmental Review

The pavement projects listed in the proposed Resolution are categorically exempt from provisions of CEQA in that the proposals are replacement or reconstruction of existing uses on the same site as the existing facilities with no change in purpose or expansion of capacity (California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19, §15302 “Class 2 – Replacement or Reconstruction”).

Attachments

1. Proposed Resolution
2. April 21, 2022 City Council Agenda Report

Tomas Santoyo-Velazquez

Tomas Santoyo-Velazquez, Assistant Engineer

R.L. Breault

Randy Breault, Public Works Director



Clay Holstine, City Manager

RESOLUTION NO. 2023 - __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE TO AMEND A PROJECT LIST FOR FISCAL YEAR 2022-2023 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of Brisbane are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Brisbane will adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Brisbane will receive an estimated \$104,377 in RMRA funding in Fiscal Year 2022-23 from SB 1; and

WHEREAS, this is the sixth year in which the City of Brisbane will receive SB 1 funding and will enable the City of Brisbane to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City of Brisbane has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City of Brisbane used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City of Brisbane maintain and rehabilitate 13 streets/roads, throughout the City of Brisbane this year and similar projects into the future; and

WHEREAS, the 2021 Pavement Management Technical Assistance program (P-TAP) update found that the City of Brisbane streets and roads are in "very good condition" and this revenue will help us increase and maintain the overall quality of our road system and over the next decade will keep our streets and roads in a "very good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits citywide.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Brisbane, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following amended list of the proposed projects will be funded in-part or solely with \$104,377 of Fiscal Year 2022-23 Road Maintenance and Rehabilitation Account revenues: 2022- 23 RMRA funds

Project Title: 2023 Slurry Seal Project

Project Description: Slurry sealing of various city streets

Project Location: Main Street from Linda Vista Drive (west) to Bayshore Boulevard (east), Monterey Street from San Bruno Avenue (west) to Alvarado Street (east), San Benito Road from Visitacion Avenue (north) to Sierra Point Road (south), San Mateo Lane from Kings Road (west) to Humboldt Road (east), San Bruno Avenue from Thomas Avenue (west) to Bayshore Boulevard (east), Thomas Avenue from San Bruno Avenue (south) to dead end (north), San Francisco Avenue from Visitacion Avenue (north) to Santa Clara Street (south), Klamath Street from Sierra Point Road (West) to Visitacion Avenue (east), Humboldt Road from Dead end to Sierra Point Road (north), Annis Road from San Bruno Avenue (north) to Humboldt Road (south), San Benito Road from Sierra Point Road (west) and Visitacion Avenue (east), Sierra Point Road from Placer Way (south) to San Benito Road (north), Mariposa Street from Visitacion (west) Avenue to San Bruno (east)

Estimated Project Schedule: Release notice inviting bids to contractors in February 2024 and complete construction by Spring 2024.

Estimated Project Useful Life: The City's Pavement Management system calculates a new useful life of 2 to 7 years for these repaired roadways.

Madison Davis, Mayor

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the 16th day of November 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk



CITY COUNCIL AGENDA REPORT

Meeting Date: April 21, 2022

From: Randy Breault, Director of Public Works/City Engineer

Subject: Intended Use of FY 2022-23 RMRA Funding

Community Goal/Result

Safe Community

Purpose

To satisfy the Fiscal Year Road Maintenance and Rehabilitation Account eligibility, accountability, and transparency requirements established by SB 1 (2017, Beall); this action is consistent with the community's value of being fiscally conservative.

Recommendation

Approve a resolution adopting the slurry seal of various city streets for fiscal year 2022-2023 funded by Senate Bill 1 (SB 1): the Road Repair and Accountability Act of 2017.

Background

SB 1 was filed with the Secretary of State on April 28, 2017. This bill established a Road Maintenance and Rehabilitation Account (RMRA) in the State Transportation Fund that is intended to address deferred maintenance on the state highway system and the local street and road systems. The bill also requires the California Transportation Commission (CTC) to adopt criteria to ensure efficient use of these funds.

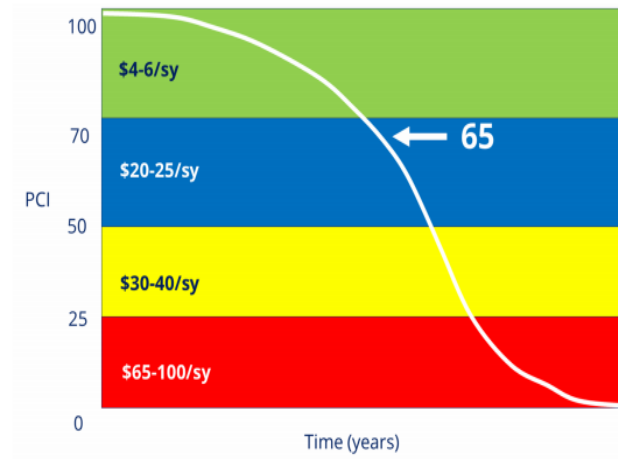
The reason for recommending approval of the attached resolution is to satisfy the eligibility requirements of SB 1 while providing transparency to the community of the City's intended use of the SB 1 funds and holding itself accountable for the efficient investment of public funds to maintain public streets and roads with the annual expenditure reporting requirements. The City will report to the Commission by December 1 of each year on its use of RMRA funds received and/or spent each FY and account for all projects proposed in that FY.

Should the City fail to meet the eligibility requirements within the submittal period enforced by the CTC, the City will forfeit its RMRA apportionment, which will then be disbursed to other eligible Cities that fiscal year.

Fiscal Impact

The project recommended for this year is to utilize 2022-23 RMRA funds to complete a preventive maintenance slurry seal project on the streets identified in the attached Resolution. As shown in the chart below¹, maintaining roads at a higher Pavement Condition Index (PCI) is much less expensive than allowing roads to decay before maintaining them. Slurry seals, which are typically applied when the PCI is within the

green and blue regions of the chart, may be up to 10 times less costly than the “yellow” overlay. Slurry sealing may be up to 25 times less costly than the “red” complete replacement. Completing crack seal and slurry seal projects in a timely fashion extends the time between which overlays are needed and will help prevent the unanticipated need for complete replacement of a roadway.



Measure of Success

Compliance with SB 1 Local Streets and Roads RMRA eligibility requirements by the CTC's submittal due dates, allowing the City to receive its FY 2022-23 RMRA apportionment.

Attachments

1. Proposed Resolution

Tomas Santoyo-Velazquez, Assistant Engineer

Randy Breault, Director of Public Works

Clay Holstine, City Manager

¹ Taken from the 2018 California Statewide Local Streets & Roads Needs Assessment. Dollar values are shown for proportional differences between road treatments and will not necessarily reflect current local pricing.

PROPOSED RESOLUTION

ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2022-2023 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of Brisbane are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Brisbane must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Brisbane will receive an estimated \$104,377 in RMRA funding in Fiscal Year 2022-23 from SB 1; and

WHEREAS, this is the sixth year in which the City of Brisbane will receive SB 1 funding and will enable the City of Brisbane to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City of Brisbane has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City of Brisbane used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City of Brisbane maintain and rehabilitate 10 streets/roads, throughout the City of Brisbane this year and similar projects into the future; and

WHEREAS, the 2021 Pavement Management Technical Assistance program (P-TAP) update found that the City of Brisbane streets and roads are in "very good condition" and this revenue will help us increase and maintain the overall quality of our road system and over the next decade will keep our streets and roads in a "very good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits citywide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Brisbane, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of newly proposed projects will be funded in-part or solely with \$104,377 of Fiscal Year 2022-23 Road Maintenance and Rehabilitation Account revenues: 2022-23 RMRA funds

Project Title: 2023 Slurry Seal Project

Project Description: Slurry sealing of various city streets

Project Location: Main Street from Linda Vista Drive (west) to Bayshore Boulevard (east), Monterey Street from San Bruno Avenue (west) to Alvarado Street (east), San Benito Road from Visitacion Avenue (north) to Sierra Point Road (south), San Mateo Lane from Kings Road (west) to Humboldt Road (east), Kings Road from Margaret Avenue (south) to Humboldt Road (north), San Bruno Avenue from Thomas Avenue (west) to Bayshore Boulevard (east), Thomas Avenue from San Bruno Avenue (south) to dead end (north), San Francisco Avenue from Visitacion Avenue (north) to Santa Clara Street (south), Cypress Lane from Valley Drive (south) to a dead end (north), Silverspot Drive from West Hill Place (south) to Mission Blue Drive (north), Silverspot Drive from Golden Aster Court (south) to Lily Court (north).

Estimated Project Schedule: Release notice inviting bids to contractors in Spring 2023 and complete construction by Summer 2023.

Estimated Project Useful Life: The City's Pavement Management system calculates a new useful life of 2 to 7 years for these repaired roadways.

Coleen Mackin, Mayor

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the 21st day of April 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

File Attachments for Item:

G. Consider Adoption of a Resolution to Adopt an Affordable Housing Strategic Plan

(The Affordable Housing Strategic Plan (AHSP) is a framework that establishes options guiding the City's investments in preserving existing affordable housing, preventing the displacement of low-income Brisbane residents, and developing new affordable housing.)



CITY COUNCIL AGENDA REPORT

Meeting Date: November 16, 2023

From: John Swiecki, Community Development Director

Subject: Affordable Housing Strategic Plan

Community Goal/Result

Community Building; Fiscally Prudent

Purpose

The Affordable Housing Strategic Plan (AHSP) is a framework that establishes options guiding the City's investments in preserving existing affordable housing, preventing the displacement of low-income Brisbane residents, and developing new affordable housing.

Recommendation

City Council adoption of the AHSP via the attached Resolution.

Background

The draft AHSP is the culmination of over two years of work by the Affordable Housing Subcommittee (Council members Davis and Lentz), consultants ECONorthwest, and staff to address the need to comprehensively and proactively manage the City's affordable housing obligations and opportunities. A detailed timeline of the project milestones is provided in Attachment 3, and relevant prior City Council agenda reports are also attached for reference.

The AHSP is consistent with and implements the adopted 2023-2031 Housing Element specifically related to financing affordable housing programs. Its implementation timeline is tied to the eight-year Housing Element implementation cycle. The AHSP is a living document and is intended to be revisited regularly as the City's funding priorities and opportunities shift over time.

Discussion

This discussion focuses on Section 3, Analysis of Funding Alternatives, and Section 4, Strategies and Actions.

Section 3: Analysis of Funding Alternatives

This section highlights the variety of revenue sources, both project based and ongoing, to fund various affordable housing policies and projects. Revenue sources are categorized either as internal sources generated by fees, fines, transfers, and taxes, and external sources from other government agencies or organizations (trust funds, nonprofits, etc.).

Internal Sources

Beyond the general fund, the City can adopt dedicated fees charged on new development in the form of either nexus fees or inclusionary housing in-lieu fees. Per

the adopted Housing Element, the City Council will consider adoption of both types of dedicated fees in 2024.

Other internal sources are include the general fund, specialized tax districts or from the State in the form of matching funds for a local housing trust fund.

Figure 3 evaluates the appropriateness and feasibility of each internal revenue source. Based on this analysis, the recommendations for internal revenues sources are:

- Update Nexus Studies for Commercial Linkage Fee: In progress
- Adopt the Inclusionary Housing Ordinance with an In-Lieu Fee: In progress
- Do Not Study an Affordable Housing Impact Fee (fee assessed on new market-rate housing): No action recommended
- Evaluate Opportunities for General Fund Discretionary Revenues: City Council may decide in concert with budget cycle
- Engagement with Taxing Districts: Depends on project
- Evaluate Potential for Development Agreements: Depends on project

External Sources

External funding sources from the Federal or State government, regional trusts or nonprofits are typically project-based and are often competitive processes. The City would partner with a development partner, like a private nonprofit developer, to apply for available funds for specific projects.

Section 4: Strategies and Actions

Strategies are labeled with a corresponding Housing Element policy or program (as applicable). The summary table provided on page 29 of the AHSP consolidates the strategies and actions, assigns implementation responsibilities, and assesses administrative and financial impacts associated with each action.

Strategies:

- A. Increase production of affordable housing
 - Direct investment in new affordable housing development
 - Financial incentives to encourage development of accessory dwelling units (ADUs)
 - Adoption of regulations to encourage development of naturally affordable housing, consistent with the Housing Element
 - Fee deferrals or waivers for affordable housing, consistent with the Housing Element
 - Acquisition and assembly of sites for affordable housing
- B. Preservation
 - Funding and financing to acquire or assist nonprofit to acquire existing “naturally affordable” housing and convert to deed-restricted units.
 - Preserve existing deed-restricted units (inclusionary for-sale and rental, senior housing, other for-sale properties)

- Education and other support for landlords and renters
 - Rehabilitation program to help low-income homeowners or renters stay in their homes (in progress)
- C. Provide access to housing for persons with special needs
- Offer additional financial incentives to projects serving special needs populations (fee waivers, density bonuses, expedited approvals, loans or grants)
 - Fund anti-displacement programs (rental assistance, homebuyer assistance)
 - Evaluate employer-assisted housing programs to mitigate displacement of Brisbane residents as a result of employment growth
- D. Leverage private and outside investment
- Adopt a commercial nexus fee applicable to certain new commercial development (in progress)
 - Adopt updated inclusionary housing ordinance that provides alternatives consistent with current State law (in progress)
 - Evaluate potential for special purpose business tax to extract revenue from employers to fund affordable housing programs
- E. Increase implementation capacity
- Establish relationships with other public agencies, nonprofit housing organizations, and property owners to streamline project opportunities
 - Augment existing city staff capacity by funding shared housing staff person through San Mateo County HEART (funded in current budget)

Fiscal Impact

Where possible, existing staff time would be used to implement the AHSP's strategies. However, some implementation actions would require work by third-party consultants and the budgetary impacts of those specific programs would be presented separately to the Council for consideration. The City's Low/Moderate Income Housing Fund currently has a fund balance of approximately \$4 million, and in the eight-year life cycle of the AHSP it is anticipated that the City will collect additional funds through adoption of dedicated fees and/or development agreements to augment these funds and help to fund ongoing implementation in addition to specific projects or initiatives.

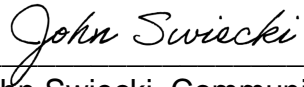
Measure of Success

A framework that guides City investment in affordable housing programs and projects that reflect the community's values and achieve the City's affordable housing goals.

Attachments

1. Resolution 2023-XX
2. [Draft Affordable Housing Strategic Plan](#) (hyperlink)
3. Timeline of AHSP Milestones
4. [May 6, 2021 City Council agenda report](#)

5. [July 15, 2021 City Council agenda report](#)
6. [March 3, 2022 City Council agenda report](#)



John Swiecki, Community Development Director



Clay Holstine, City Manager

RESOLUTION 2023-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ADOPTING AN AFFORDABLE HOUSING STRATEGIC PLAN**

WHEREAS, the City is to meet ambitious affordable housing goals between 2023 and 2031 consistent with the adopted and State-certified 2023-2031 Housing Element of the General Plan; and

WHEREAS, in 2012 with the dissolution of Redevelopment Agencies by the State of California, the City of Brisbane lost a key funding source for the development and administration of affordable housing and other housing assistance programs; and

WHEREAS, the City's remaining affordable housing funds, now housed within the Brisbane Housing Authority (BHA), largely result from sales of property, but with no on-going funding sources; and

WHEREAS, in 2021 the City hired consultants ECONorthwest to develop an Affordable Housing Strategic Plan that evaluates opportunities for affordable housing program funding and provides a framework of strategic actions the City could take to fund its affordable housing programs consistent with the Housing Element; and

WHEREAS, opportunities for public input were provided throughout the Strategic Plan development via study sessions at the Planning Commission and City Council; and

WHEREAS, the Affordable Housing Strategic Plan is consistent with and helps to implement the 2023-2031 Housing Element of the General Plan, certified by the State of California.

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

Section 1. The City Council adopts the Affordable Housing Strategic Plan, a copy of which is on file in the Community Development Department.

Madison Davis, Mayor

I hereby certify that the foregoing Resolution No. 2023-XX was duly and regularly adopted at a regular meeting of the Brisbane City Council on November 16, 2023, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas R. McMorrow, City Attorney

Draft Affordable Housing Strategic Plan

Affordable Housing Strategic Plan City of Brisbane

REVISED DRAFT: ~~OCTOBER 25~~SEPTEMBER 29, 2023

Prepared for: City of Brisbane

Final Report

ECONorthwest
ECONOMICS • FINANCE • PLANNING

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1. Introduction

Local Context

The City of Brisbane is a small town on the San Francisco Peninsula, just south of San Francisco in the Bay Area. The city encompasses approximately 3.4 square miles and is home to roughly 4,851 residents. Historically, most of Brisbane's residential development has occurred in Central Brisbane, which is largely built-out with low-rise commercial and residential development. During the 1990s through mid-2010s, the Northeast Ridge development added 499 housing units. Additions to the housing stock have been limited since.

In recent years, regional economic growth has placed increased pressure on the Bay Area's housing market, and housing production has not kept pace. This has resulted in a shortage of housing in Brisbane and the region which has seen apartment rents and home prices increase at a much faster rate than income growth, decreasing affordability on the margin.

These economic conditions also come at a time of transformation for the city. The Baylands Subarea is a 660-acre brownfield redevelopment site. In 2018 the City approved ballot measure JJ and adopted a general plan amendment which allows for 1,800 to 2,200 housing units in the Baylands. The city is reviewing a Specific Plan draft for the Baylands submitted by the developer that proposes residential development at the high end of the permitted density range under the General Plan. While the Baylands offers a generational opportunity to improve Brisbane's housing supply, the project itself comes with its own growth pressures. The Specific Plan proposal also includes over 7 million square feet of commercial space, which will create additional pressures on the housing market resulting from the increased workforce. The Baylands will have to include a variety of housing types at all income levels for housing affordability pressures to be mitigated.

Connection to the Housing Element and Implementation Time Frame

The Housing Element is one of the required elements of the General Plan under California law. It is the document that guides the city's policies and decisions with respect to housing development, rehabilitation, and preservation. All jurisdictions in California are required to update the Housing Element on an 8-year planning cycle. Every Housing Element features a Housing Plan that includes policies and programs the City will implement over the planning cycle, with the goal of accommodating its state-mandated Regional Housing Need Allocation (RHNA). The City has adopted its Housing Element for the current planning cycle (6th Cycle).

Over this planning cycle, the City has a goal of accommodating 1,588 housing units, 500 of which are to be suitable for lower-income households. The Housing Plan references the strategies identified in this Affordable Housing Strategic Plan (AHSP) to guide implementation

of programs designed to meet affordable housing needs. The time frame of the AHSP's strategies is keyed to the 8-year planning cycle of the Housing Element.

Housing Challenges in Brisbane

Some of the challenges to providing affordable housing and housing stability in Brisbane are driven by local factors, while others are driven by larger market forces and are not explicitly unique to the City. This AHSP uses both quantitative and qualitative approaches to identify what the greatest challenges to housing production are in Brisbane. This included a technical review of market data, demographics, and housing needs alongside input from City staff and the City Council's Affordable Housing Subcommittee. Chapter 4 of the 2023-2031 Housing Element provides a detailed analysis of both governmental and nongovernmental constraints to housing development in Brisbane. Key challenges include:

- A lack of housing supply and diversity in housing types.
- Competition for funding sources to support affordable housing development.
- Accelerating housing price/rent escalation impacts on affordability.
- Demand pressure created by expanding economic and commercial uses locally.
- Architectural pattern and land use are inconsistent with current market realities.
- Lack of vacant developable land.
- A need to respond to a shifting state regulatory environment.
- Accelerating cost of construction.
- Balancing need for new housing with the community's desire to preserve the scale of development characterized by Brisbane's historic development pattern.

The evaluation of these housing challenges in Chapter 2 informed the development of the guiding principles and actions in this AHSP.

Guiding Principles for the AHSP

Brisbane is committed to addressing the housing needs of its low to moderate-income families, workforce, and persons with special needs. The overarching principles for the AHSP are to build more housing, diversify housing options, and target resources to less advantaged households. Brisbane uses these principles to ensure that affordable housing strategies in Brisbane:

- encourage public and private collaboration;
- support the stability of the workforce across all income levels;
- are considerate of the built environment and existing community character;
- provide opportunities for Brisbane's residents to stay housed in the community;
- support health, safety, and economic mobility; and

- accommodate households with special housing needs, including seniors and persons with disabilities.

Pillars of the AHSP

Built on the foundation provided by the AHSP’s guiding principles, the five “pillars” of the plan provide the strategic framework for AHSP. These pillars organize the strategic actions in the AHSP. Other housing-related policies are included in the City’s housing plan chapter of the General Plan Housing Element. The AHSP includes strategies that:

Increase production of affordable housing. Housing affordability is a direct function of housing production. These strategies remove barriers to housing production and provide incentives and direct actions to reduce costs and encourage desired housing types.

Preserve existing housing stock. These strategies include actions to preserve assets that Brisbane already has and protect the existing housing stock.

Provide access to housing for persons with special needs. The City’s analysis of housing needs identified a growing need to provide a variety of housing types to accommodate special needs populations, especially senior households. These strategies include actions to increase access to affordable housing options for these groups.

Leverage private and outside investment. The City does not have the resources to solve its housing challenges on its own. These strategies include actions to increase the pool of funding sources and leverage investment from private sources.

Increase implementation capacity. These strategies include actions to increase the city’s ability to implement housing policies through increased efficiency and strategic partnerships.

Organization of This Report

This report is organized around three main sections. The first section is a brief overview of existing **housing needs** and conditions in Brisbane. Because the timing of the AHSP overlapped with the Housing Element Update, this section pulls key findings from the housing needs section of the Housing Element. The second section is an **analysis of potential funding alternatives** to increase resources for affordable housing production and programs. The third section is an analysis of affordable housing strategies developed in coordination with multiple stakeholders, including City staff and the Affordable Housing Subcommittee. The final section includes **strategic actions** and priorities for investing in existing and emerging resources for affordable housing programs.

Report Organization

- Summary of Housing Needs
 - Evaluation of Funding Sources
 - Affordable Housing Strategies
 - Appendix A: Summary of Funding
 - Appendix B: Analysis of the Inclusionary Housing Ordinance
 - Appendix C: IHO Case Studies
-

2. Summary of Housing Needs

The following narrative is a summary of key conditions relating to affordable housing conditions derived from the Housing Needs Assessment in Chapter 2 of the 2023-2031 Housing Element. The Housing Needs Assessment (HNA) identifies the need for more affordable housing in the city, particularly for special needs populations such as seniors, persons with disabilities, large households, female-headed households, and homeless individuals. The HNA outlines various programs and resources in place to increase the supply of affordable housing, including partnerships with affordable housing developers and nonprofit organizations, the Brisbane Housing Authority's Low- and Moderate-Income Housing Fund, and rehabilitation and repair programs. A high-level summary of the HNA findings in the Housing Element are included below.

Affordable Housing

Housing costs in Brisbane are high, and many residents experience housing cost burden.

- In Brisbane, about 17% of households earn below 30% of the area median income, while 23% earn between 31% and 50% of the area median income (Table 2-32).
- Nearly 90% of rental households with a family member with a disability had the highest level of housing problems, which includes cost burdening, regardless of income level (Table 2-31).
- The average household size in Brisbane is relatively small at 2.27, and housing units with 3-4 bedrooms account for approximately 41% of all housing units within the City (Table 2-3).

A majority of Brisbane's housing stock is single-family homes.

- There is a need for more affordable housing in Brisbane, particularly for low- and very low-income households.
 - About 59% of all large family households in Brisbane experienced at least one housing problem, while 43% were cost burdened (HUD's 2015-2019 CHAS, Table 2-31).

Brisbane has several programs and resources in place to increase the supply of affordable housing.

Housing element policies and programs:

- The City's 2023-2031 Housing Element sets forth policies and programs aimed at increasing the supply of affordable housing, particularly for very low-income and low-income households. These policies and programs include zoning changes, density bonuses, and financial incentives for developers to build affordable housing.

Brisbane Housing Authority's Low- and Moderate-Income Housing Fund

- The Brisbane Housing Authority has established a Low- and Moderate-Income Housing Fund that can provide financial assistance to developers of affordable housing projects, fund the City's acquisition of sites for housing development, or provide direct assistance to low-income households for stable housing. The current fund balance is primarily the resulting profit from the sale of properties formerly held by the dissolved Redevelopment Agency, wherein the title was transferred to the Housing Authority. When the City adopts revisions to its inclusionary housing ordinance, which will include adoption of an in-lieu fee, additional funds may be generated by in-lieu fees paid by developers who opt not to include affordable units in their projects.

Partnerships with affordable housing developers and nonprofit organizations

- The City partners with affordable housing developers and nonprofit organizations to help develop and maintain affordable housing units in the city. These partnerships provide additional resources and expertise to help increase the supply of affordable housing.

Rehabilitation and repair programs

- Thanks to a recent Federal grant, the City will offer rehabilitation and repair programs that will help low-income homeowners make necessary repairs to their homes beginning in 2024. These programs will help to improve the quality and safety of existing housing stock and can help prevent displacement due to unsafe living conditions.

Human Investment Project (HIP) Housing's transitional housing program

- The City of Brisbane contributes to HIP Housing's transitional housing program for the homeless and extremely low-income households. The program provides temporary housing and supportive services to help individuals and families transition to permanent housing.

Collaboration with the County of San Mateo

- The City of Brisbane collaborates with the County of San Mateo to develop programs that provide shelter and services for the homeless. This includes participating in the San Mateo County Continuum of Care and other regional efforts to provide homeless shelters, transitional housing, and supportive housing for homeless households.

Special Needs Populations

- About 9% of Brisbane's total population has a disability, and 22% of households have a family member with a disability (2016-2020 ACS, HUD's 2015-2019 CHAS, Table 2-32).

Individuals with disabilities may require a variety of housing types.

- This may include rent-subsidized housing, tax credit-financed special-needs housing, modified single-family homes, inclusionary units within larger developments, Section 8 vouchers, and housing specially modified for the medically fragile.

Large households may have difficulty finding adequately sized affordable housing.

- Large households, defined as households containing five or more persons, may have difficulty finding adequately sized affordable housing due to the limited supply of sufficiently sized units to accommodate their needs.
- Additionally, larger housing units tend to be more expensive, which can present an affordability challenge for families on a tight budget. This can be further compounded by discrimination and other barriers faced by families with children in the housing market.

Female-headed households may face additional barriers to finding affordable and safe housing.

- This can be attributed to higher living expenses and limited resources for childcare and job training services.
- Approximately 46% of all female-headed households with children were living below the poverty line (Table 2-33).

Homelessness is a continuing and growing crisis in California, and many individuals and families are without permanent housing largely due to a lack of affordable housing.

- The number of people experiencing homelessness in San Mateo increased by 21% from 2017 to 2019 but remains less than the homeless individuals counted in 2011 and 2013 (Section 2.1.6).
- In San Mateo County, 305 homeless individuals reported being challenged by severe mental illness, and of those, approximately 62% are unsheltered (Figure 43 of Appendix D).

3. Analysis of Funding Alternatives

Purpose and Context

The City of Brisbane (the City), like other jurisdictions across California, is navigating a housing market that continues to experience housing prices outpacing incomes, demand outpacing supply, and new regulatory environments (e.g., new housing element laws) that direct jurisdictions to increase production of affordable housing. Simultaneously, long-time residents feel cautious about new development, while newer residents and lower-income residents struggle to find affordable housing near their workplaces.

The dissolution of redevelopment agencies in California has left a void in direct local funding sources for affordable housing. This chapter of the AHSP includes an evaluation of potential funding sources the City may consider to fund its affordable housing programs. The timing couldn't be better for the City to take on this challenge. State and federal administrations have taken note of a national housing crisis, transforming the policy and funding environment. At the same time, Brisbane finds itself on the path of new commercial growth in its commercial districts and mixed-use development in the Baylands Subarea. The reimagining of the Baylands¹ as an urban district specifically will create a new generation of opportunity for Brisbane residents. This presents both an opportunity and a responsibility for the City to leverage public and private investment to deliver a variety of housing types at all income levels.

Affordable housing funding sources are available to the City from federal, state, local, and nongovernment entities to aid the implementation of the AHSP. Potential funding falls into two broad sources:

- **Internal:** Sources of revenue that are generated by fees, fines, transfers, and taxes via the regulatory powers of the local jurisdiction. The use of revenue is determined by state and local laws and includes a range of services that can be provided to the public.
- **External:** Sources of funding that are obtained by a local jurisdiction for various uses (e.g., affordable housing development) through an application process, typically a Notice of Funding Availability (NOFA). Funding is generated from government entities (Federal, State, County) or nongovernment entities (foundations, corporations, etc.) with the commonality between funding sources being that none originate via the regulatory powers of the local jurisdiction.

¹ The Baylands is an approximately 660-acre subarea of the City located directly east and north of Central (developed) Brisbane. This subarea is currently undergoing a specific planning process to allow for development of 1800-2200 residential units and up to 7 million square feet of commercial development.

Internal (local) Revenue Sources

Locally controlled funding sources may collect revenue from fees, tax increment set-asides, discretionary local revenues, and other sources. Below are descriptions of each revenue source.

Dedicated Fees

Dedicated housing fees include commercial linkage fees, housing impact fees, and in-lieu fees from inclusionary housing ordinances. Each of these fees produce revenue needed to address increased housing demand created by additional jobs that are produced through commercial and residential development.

Commercial Linkage Fees and Affordable Housing Impact Fees

The City can charge developers a fee that would help accommodate the increased demand for affordable housing created because of new commercial development. The rationale behind commercial linkage fees is that increased economic activity creates affordable housing need that should, in part, fall on private development to accommodate. A commercial linkage fee can be assessed on all nonresidential development or specific development types. It is applied on a per-square-foot basis. Affordable housing impact fees function similarly by assessing a fee on market-rate residential development.

Suitability for Brisbane: Linkage and impact fees as a value-capture mechanism work best in markets that are experiencing robust growth (or about to) and exhibit strong real estate market fundamentals. This is clearly the case in Brisbane looking forward. Brisbane also does not have major political barriers to implementing impact fees.

Using these mechanisms for funding may have downside risks. If fees are set too high, then they can have the adverse effect of stagnating development activity altogether. In areas where there are market substitutes, impact fees may also crowd out investment that will divert to other cities. However, Brisbane's growth outlook is tied to local competitive advantages, and many cities in San Mateo County also have commercial linkage or impact fees. This reduces the risk of crowding out investment.

Implementation Steps: To establish a linkage fee, a nexus study must first be completed.² The purpose of the nexus study is to establish the connection between the proposed fee and the development the fee is to be imposed on. In 2015, as part of a countywide effort, the City initiated a feasibility study with consultants to evaluate the feasibility of a commercial linkage fee and housing impact fee. The feasibility study for the commercial linkage fee was updated in 2020.³ The City has already initiated a new nexus study to calculate an updated housing impact fee appropriate for the current demographic and development landscape. This process will be

² Turner Center for Housing Innovation. 2020. Improving Impact Fees in California: Rethinking the Nexus Study Requirement. https://turnercenter.berkeley.edu/wp-content/uploads/2020/12/Nexus_Studies_November_2020.pdf

³ Vernazza Wolf Associates. 2015. Commercial Linkage Fee Nexus Study. City of Brisbane.

completed in 2023. In addition to required nexus studies, the City should evaluate if a phasing schedule or exemptions for specific development types are appropriate.

In-lieu Fees from an Inclusionary Housing Ordinance

Brisbane currently has an inclusionary housing ordinance (IHO) that requires set-asides for affordable housing. An evaluation and recommendations with respect to Brisbane's updated ordinance draft is included in Appendix B. An in-lieu fee as a part of an IHO would waive the affordable unit requirements for housing developers that opt in, so long as they pay a fee instead. These fees, along with the commercial linkage fees, would fund the Housing Authority's Low- and Moderate-Income Housing fund that nonprofit housing developers could access as a source of capital for their affordable housing projects in the city.

Suitability for Brisbane: Lackluster development activity in Brisbane is more likely to be a function of limited developable land in Central Brisbane than potential constraints of the IHO. That said, offering an alternative to providing inclusionary units on-site is good policy and required by state law for rental housing. The most common alternative used by cities in California is an in-lieu fee. It is recommended that Brisbane offer a fee as an alternative. However, development in Central Brisbane is likely to be small scale in perpetuity. We would not consider the revenue-generating capacity of in-lieu fees to be significant. Therefore, in setting an appropriate fee level, the City should consider affordable housing objectives for Central Brisbane. If delivery of units in Central Brisbane is preferred over control of funding resources, then the City should provide incentives to ensure that it is financially feasible for developers to deliver new residential projects with on-site affordable housing units.

Implementation Steps: To establish an in-lieu fee, the City should conduct an analysis to determine an appropriate fee level and/or any exceptions. A fee that is too high will not be a viable alternative for development that is infeasible with the IHO requirements. A fee that is too low will encourage developers to only use the fee and could result in less affordable housing production than could have occurred. The city can include in-lieu fees alongside other alternatives in the adoption of its IHO ordinance, such as providing off-site affordable housing units and incentives (e.g., density bonuses, tax abatements, and reduced parking requirements).

Tax Increment Financing

Redevelopment agencies (RDA) were dissolved in California in 2012. RDAs were formerly one of the primary tools for jurisdictions to raise resources for affordable housing using tax increment financing (TIF); tax increment financing is a value-capture mechanism that generates revenue by capturing a share of the increase in total assessed value from the time the district is first established. As property values increase in the district, a share of the increase in property taxes can be used to fund projects or affordable housing or pay off bonds against the revenue.

However, some tax increment financing tools are still available in California, although they have yet to be broadly implemented. The most common types are Enhanced Infrastructure

Finance Districts (EIFD), Community Revitalization Investments Areas (CRIA), and Infrastructure Financing Districts (IFD), described in Figure 2 below.

Figure 2: TIF Revenue Generating Stream Analysis

	CRIA Community Revitalization & Investment Authority (2015)	IFD Infrastructure Financing District (1990-1991)	EIFD Enhanced Infrastructure Financing District (2014)	IRFD Infrastructure & Revitalization Financing District (2014)
Taxing Entities	Any local taxing entity except schools			
Control	Separate governing body	Sponsoring community legislative body	Public Financing Authority	Sponsoring community legislative body
Voter Approval	No	Yes 2/3 of voters or landowners	No	Yes 2/3 of voters or landowners
Property Requirement	No blight requirement, Income and economic limits	No blight or specific restrictions	No blight or specific restrictions	No blight or specific restrictions. Can be noncontiguous
Affordable Housing Requirement	25% of \$, housing replacement, inclusionary	Housing replacement, inclusionary	Housing replacement	Housing replacement, inclusionary
Eligible Activities	<ul style="list-style-type: none"> Rehab infrastructure Provide affordable housing Acquire property Issue bonds Make loans or grants. 	Focus on infrastructure and public facilities investments.	<ul style="list-style-type: none"> Transportation Infrastructure Water and wastewater treatment Public facilities (libraries, childcare, parks) Brownfield restoration and mitigation Acquisition, construction, and rehab of housing for affordable housing. Commercial and industrial structures. 	<ul style="list-style-type: none"> Transit priority projects Port infrastructure (SIFD) Finance planning/design
Can the entity supplant existing facilities/services?	No limitation	No	No	Yes, if facilities are nonfunctional

Suitability for Brisbane: Value-capture mechanisms only work when there is future development that triggers reassessment of property values and subsequent increased property tax revenue. As such, establishing a district on all or part of the Baylands Subarea would be appropriate given the expected development within the subarea pursuant to the Baylands Specific Plan. This tool is likely not suitable for Central Brisbane due to the fragmented property ownership and other constraints limiting wide-scale redevelopment of older properties.

One of the limitations of these tools is that they require voluntary participation by taxing entities within the TIF districts. While cities can contribute a share of the property tax revenue it receives from the district, this typically does not provide meaningful revenue and needs to be

supplemented with other taxing entities opting in. A city can partner with the county on the TIF district to capture a portion of the county's share of property tax in the district, and Los Angeles and Orange Counties have partnered with cities on districts before. Education districts are prohibited from participating in a TIF district. The potential in Brisbane may also be limited by Measure JJ, which requires development in the Baylands to be cost neutral to the City. This may limit the City's ability to opt in to a tax increment financing district in the Baylands.

Implementation Steps: To establish a district such as an EIFD, the boundaries of contributing taxing districts must be identified. All non-school taxing districts that are contributing their tax revenues must approve the creation. In the case of an IFD or IRFD, voter approval is required. For all the mechanisms, having community support is crucial because the community can halt a TIF district through a vote or a protest. Afterward, a feasibility study must be completed to assess future property values and the tax increment structure for involved agencies, in addition to identifying other sources of funds besides the funds generated from the district. Finally, cities must complete a plan detailing program investments.

Public Safety Vital Services Sales Tax

Local jurisdictions in California are allowed to adopt local sales tax measures above and beyond the state sales tax rate. For example, in 1988 San Mateo County voters approved Measure A (a half-cent sales tax for transportation facilities and roads) and in 2019 Measure M created a similar tax also for transportation (congestion relief). Some jurisdictions have elected to also create local tax rates for public safety and vital services (PSVS). Some cities define investment in affordable housing under this classification. In one example, voters in the City of Bakersfield approved Measure N in 2018 to create a one-cent PSVS sales tax. In 2021, the City adopted a resolution to use \$5 million in PSVS funds annually to capitalize an Affordable Housing Trust Fund.

Suitability for Brisbane: The income generating potential could be high. In 2021 Brisbane had over \$435 million in taxable transactions.⁴ A half-cent tax on this amount would raise \$2.1 million annually. Looking forward, increases in commercial development in Brisbane for the Baylands and Sierra Point will drive taxable transactions considerably higher, as these developments will bring a significant amount of employees to the city and increase the daytime population. While sales tax revenues benefit from capturing nonresident spending, they also have a disproportionate impact on lower-income residents who spend a larger share of their incomes on taxable goods and services.

Implementation Steps: Establishing a PSVS sales tax would require a ballot measure for local approval. Brisbane's total sales tax rate is already 9.375%. There are 21 cities in San Mateo County with the same sales tax rate as Brisbane and 10 cities that currently have a higher rate (the current highest rate is 9.875%); however, no jurisdiction is lower than Brisbane.

⁴ <https://www.cdtfa.ca.gov/dataportal/charts.htm?url=TaxSalesCRCityCounty>

Discretionary Local Revenues

Discretionary local revenues are nonrestricted funds that the local government can choose to use for a variety of uses, typically maintained in the City's General Fund. However, discretionary local revenues are typically already reserved for other services provided by the city. Use of existing/projected general fund revenue for affordable housing would require diversion from other spending priorities.

Suitability for Brisbane: Brisbane is a fiscally prudent City with consistently balanced budgets and conservative reserve funding policies to ensure the City can balance its budget in times of economic recession and decreased general fund and special fund revenues. The COVID-19 pandemic led to significant decreases to the City's general fund revenues, particularly in the areas of transient occupancy tax (TOT), as hotel stays dropped precipitously, and sales tax also with the exit of one of the City's highest sales tax revenue generators. As a result, the City dipped in to reserves to adopt a balanced budget without any service disruptions or staffing reductions. Considering the anticipated slow return to "normal" tax revenues for the coming years, and given the City's overall economic philosophy of maintaining existing levels of service and staffing, there do not appear to be meaningful opportunities for the City to reprogram existing general funds to affordable housing.

Implementation Steps. To use discretionary local revenues, the City would need to identify the amount of funds needed and how funds would be used for affordable housing purposes (e.g., gap financing, land acquisition, rehabilitation, etc.). The City would then need to consider its budget priorities to determine which funds are the most viable sources to pull from and how much funding can be dedicated to affordable housing purposes.

Local Affordable Housing Trust Fund

A local affordable housing trust fund (LAHTF) is not necessarily a new funding source but more of a mechanism for aggregating funding from various sources with a dedicated plan for sustainable management and disposition. Trust funds have the advantage of flexibility compared to other sources of revenue that have stricter use requirements.⁵ While the method of administration varies (government or private nonprofit), an affordable housing trust fund is designed so that there is an ongoing stream of revenue. State matching funds are also available.

Suitability for Brisbane: The primary advantages of an LAHTF are flexibility, control of investments, and opportunities for leveraging other funding sources. If Brisbane creates new local funding streams, creating a local trust fund could be a good administrative mechanism. Brisbane is already a member agency of HEART of San Mateo, a regional housing trust fund organized as a JPA with all San Mateo cities and the county as member agencies. However, contributing city funds beyond its operational commitment is not likely to have positive return

⁵ Institute for Local Government. 2007. Establishing a Local Housing Trust Fund: A Guide for California Officials.

in terms of new affordable housing development in the City limits due to the regional nature of HEART's funding programs.

Implementation Steps. The City would first conduct a feasibility study to identify one-time and long-term funding sources, understand the composition of the funds and where they were being received from, recommendations for use of funds based on the affordable housing strategic plan, and near-term actions for expansion and/or implementation. Voter approval isn't required, and the fund can be established by Council resolution.

Evaluation

In considering adoption of local funding sources, the City should consider the balance of implementation and administration against revenue-generating potential and suitability to meet the City's affordable housing goals. In the matrix below, we summarize and categorize each of the funding tools above with respect to the following criteria:

Ease of Implementation. Difficulty in administrative process of implementing, considering requisite research/studies and approval process.

Political Palatability. Consideration of political/community sensitivities.

Revenue-Generating Potential. Order of magnitude potential for generating revenue for affordable housing programming.

Flexibility. Consideration of use of funds. Some funds may be limited to a specific purpose.

Potential Adverse Impacts. Consideration of downside risks and unintended consequences. Potential adverse impacts could include disruptions to real estate markets impacting feasibility, distributional impacts of funding and benefits, or other factors.

Figure 3: Revenue Generating Stream Analysis

Funding Source	Ease of Implementation	Political Palatability	Revenue Potential	Flexibility	Adverse Impact Risk
Commercial Linkage Fee	Moderate	Low Barrier	Potentially High	Mixed	High
Housing Impact Fee	Moderate	Low Barrier	Mixed	Mixed	High
IZ In-Lieu Fee	Low Barrier	Low Barrier	Low	Mixed	Uncertain
Tax Increment Financing	Challenging	Challenging	Mixed/ Uncertain	Low	Low
PSVS Tax	Challenging	Challenging	High	High	Moderate
LAHTF	Low Barrier	Low Barrier	Uncertain	High	Low
Discretionary Revenues	Moderate	Moderate	Low	High	Moderate

Recommendations

There is no one appropriate path to selecting a set of consistent revenue tools for affordable housing. The selection of revenue tools is largely based upon a combination of a city's affordable housing goals and priorities and the trade-offs a city is willing to make to achieve those goals and priorities. The evaluation framework above provides some context to these trade-offs from which we derive the following recommendations:

Update Nexus Studies for Linkage and Impact Fees

A commercial linkage fee program could be successful in Brisbane given the expected and planned commercial developments. The City should conduct the necessary research to update its nexus studies to identify an appropriate fee level. In order to increase the chances of a successful fee program while not negatively impacting development the City should select a fee rate that is well below the maximum supportable rate to minimize risk of market disruption.

Adopt the Inclusionary Housing Ordinance with an In-Lieu Fee

Including an in-lieu fee as an alternative in the City's IHO is recommended. The City should conduct the necessary nexus study to establish a legally defensible fee.

Do Not Study an Affordable Housing Impact Fee

An Affordable Housing Impact Fee on residential development would operate like an inclusionary in-lieu fee. Because the City is implementing an in-lieu fee, an impact fee is not necessary.

Evaluate Opportunities for Discretionary Revenues

A low-barrier action would be to explore discretionary spending priorities to determine if there is capacity for additional investment for affordable housing. This could be identification of one-time allocations or ongoing allocations. Identified revenues could be used to capitalize a local housing trust fund.

Engagement with Taxing Districts

Tax increment districts work well when investments in an area directly benefit the development in that area. This is the case with the Baylands. An EIFD in all or part of the Baylands would be able to provide investment in infrastructure as well as resources for affordable housing. The City should begin engaging with taxing districts to determine the potential opt-in rate and assess revenue-generating potential.

Evaluate Potential for Development Agreements

Under any of the local revenue sources evaluated, a significant share of future revenues will be derived out of future development activity at the Baylands. The Baylands currently does not

have underlying entitlements. Ensuring that development in new districts like the Baylands meet the objectives of the local community is often better resolved through negotiated development agreements rather than broad stroke policies. The City should explore its opportunities and the trade-offs associated with specially negotiated agreements vis-à-vis local value-capture mechanisms.

External Funding Sources

There are a variety of federal, state, local, and philanthropic housing programs that the city can pursue independently or through a partnership with a developer to increase affordable housing production. This section details these funding sources, organized by the type of entity providing the grant or program. See the Appendix A for a detailed table of all funding sources.

Federal and State Funding

US Department of Housing and Urban Development (HUD) Funds: HUD has several grant programs available for cities and nonprofit organizations for development of affordable housing and provision of housing services. Most directly relevant to the City of Brisbane would be the Community Development Block Grant (CDBG), which awards grants to cities and states annually to fund housing and economic development for low- and moderate-income people.⁶ As a non-entitlement area, Brisbane would not be eligible to receive funds directly from HUD but could receive the CDBG funding that HUD provides to the state or to San Mateo County. The City could also partner with nonprofit organizations to apply for the HOME Investment Partnership program, which would allow them to acquire, construct, or rehabilitate housing suitable for target populations. Though HUD also administers an Assisted Living Conversion program and an Emergency Capital Repairs program—both of which are similar in purpose to the HOME Investment Partnership program—these two programs have not issued notices of funding availability in recent years. If the City was interested in helping provide housing services, it could also partner with nonprofit organizations to apply for the Emergency Solutions Grant program, Housing Opportunities for Persons with AIDS, or Shelter Plus Care grants.⁷

California Housing Finance Agency (CalHFA) Funds: The CalHFA offers housing assistance programs, conventional loans, and other loan and grant programs directly to recipients who need housing assistance. The City could recommend these programs in addition to any housing services it already provides. The MyHome Assistance program offers housing assistance for both first time and low- and moderate-income homebuyers, and the Section 811 Project Rental

⁶ US Department of Housing and Urban Development.

https://www.hud.gov/program_offices/comm_planning/CDBG/faqs

⁷ US Department of Housing and Urban Development. 2020. HUD Programs.

<https://www.hud.gov/sites/dfiles/Main/documents/HUDPrograms2020.pdf>

Assistance program provides rental assistance for lower-income households.⁸ The CalHFA and CalPLUS loan programs provide first mortgage loans insured through private mortgage insurance. Recipients of these loans must meet CalHFA income limits for the program and complete homebuyer education counseling.⁹ CalHFA also offers an ADU grant, which provides up to \$25,000 to reimburse predevelopment costs associated with the construction of an ADU.¹⁰ The borrower's income level must be below 80% of the Area Median Income (AMI) or meet other listed income requirements instead.

California Housing and Community Development (HCD) Funds: California HCD provides grants to organizations for housing assistance programs that meet a variety of needs for different populations. Many of the programs give grants and low-interest loans to cities, counties, and nonprofit community development organizations to achieve new construction, rehabilitation, acquisition, and preservation of affordable housing within a jurisdiction. The Golden State Acquisition Fund, Multifamily Housing Program, and the Affordable Housing and Sustainable Communities Program represent just a few of these grants.¹¹ California HCD also awards funding to local governments and nonprofits for them to offer loan programs and other housing services such as relocation, housing navigation, transitional housing, and veterinary services. Many programs are tailored to partnerships between a local government and a developer; see the external funding spreadsheet in the Appendix for program specifics.

Office of State Treasurer: The Office of State Treasurer administers two California Tax Credit Allocation Committee (CTCAC) funds and one California Debt Limit Allocation Committee fund. One CTCAC fund provides a Low-Income Housing Tax Credit for persons seeking housing, developers building housing, and owners and managers of existing tax credit projects.¹² The other CTCAC fund offers a Historic Rehabilitation Tax Credit to entities providing or developing rental housing rehabilitation, mixed-use projects, and seismic strengthening projects. Among other programs, the CDLAC has a Qualified Residential Rental Project program that assists developers of multifamily rental housing units with acquisition and construction of new units or with purchase and rehabilitation of existing units.¹³

Regional Funding

The City of Brisbane can utilize the following funding sources that are made available through San Mateo County; most beneficiaries of this funding are developers. Through these sources the

⁸ CalHFA. MyHome Assistance Program. <https://www.calhfa.ca.gov/homebuyer/programs/myhome.htm> and CalHFA. Section 811 Rental Assistance. <https://www.calhfa.ca.gov/multifamily/section811/index.htm>

⁹ CalHFA. Conventional Program. <https://www.calhfa.ca.gov/homebuyer/programs/conventional.htm>

¹⁰ CalHFA ADU Grant Program. <https://www.calhfa.ca.gov/homebuyer/programs/adu.htm>

¹¹ California HCD. Programs: Active. <https://www.hcd.ca.gov/grants-funding/active-funding/index.shtml>

¹² CTCAC. Low-Income Housing Tax Credit. <https://www.treasurer.ca.gov/CTCAC/tax.asp>

¹³ CDLAC. Qualified Residential Rental Project program. <https://www.treasurer.ca.gov/cdlac/applications/qrrp/index.asp>

City can strengthen its role as an information clearinghouse for developers and residents that are eligible for assistance programs.

San Mateo County Department of Housing: The primary source of local funding for the city is available through the San Mateo County Department of Housing. In addition to several individual-level voucher and assistance programs, the San Mateo County Department of Housing also offers a few programs that help developers increase affordable housing. The Farm Labor Housing program has grants and loans available to developers for construction of new farmworker housing units or rehabilitation and replacement of existing farmworker housing units.¹⁴ The No Place Like Home program uses bond proceeds to invest in the development of permanent supportive housing for persons who need mental health services and are experiencing or are at risk of homelessness.¹⁵ If the City were to invest in an affordable housing development effort, these two programs could be particularly useful.

San Mateo Affordable Housing Fund: In 2021, California approved \$57 million in funds for this program to help developers acquire and preserve the affordability of existing multifamily buildings within the County that are rented at below-market rates and are not currently subject to rent restrictions.¹⁶ The fund is administered by the County's Department of Housing.

Housing Endowment and Regional Trust of San Mateo County (HEART): HEART administers a QuickStart Loan and a SemiPerm Loan for developers that create and preserve affordable housing. While QuickStart provides short-term, quick-turnaround loans to help developers with the early stages of project development, the SemiPerm Loan program offers a 15-year loan for developers with more complex project needs and owners of existing affordable housing developments that need to preserve affordability or need rehabilitation.¹⁷

Philanthropic Funding

There are several local philanthropic organizations that provide grants to nonprofit housing developers to fund affordable housing development. While the City is not the recipient of the funding, it is still valuable for the City to know about these programs in order to consider a comprehensive approach to its affordable housing strategy and to be informed for discussions with developers and nonprofit agencies.

Bay's Future Family of Loan Funds provides two different grant programs that nonprofit housing organizations can apply to. The City could offer to invest in a nonprofit affordable housing development that makes use of the Bay's Future Fund or Community Housing Fund. The Bay's Future Fund is a \$500 million loan fund that serves five counties in the Bay Area and

¹⁴ San Mateo Department of Housing. Farm Labor Housing program. <https://housing.smcgov.org/agricultural-workforce-housing>

¹⁵ San Mateo Department of Housing. No Place Like Home. <https://housing.smcgov.org/no-place-home>

¹⁶ San Mateo Affordable Housing Fund. <https://housing.smcgov.org/ahf9-nofa>

¹⁷ HeartofSMC. Developer Loans. <https://www.heartofsmc.org/programs/for-developers/>

invests in affordable housing serving families making 0-120% of the Area Median Income.¹⁸ Similarly, the \$150 million Community Housing Fund provides loans to five Bay Area counties, including Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara Counties, for affordable housing projects and supportive housing built for extremely low-income families.¹⁹

The Housing Industry Foundation's Renovation Program supports nonprofit agencies in San Mateo and Santa Clara Counties by completing small and large-scale renovations at no cost to the agency so that agencies can focus their budgets on running programs.²⁰ Eligible nonprofit agencies must provide either permanent, transitional, or temporary housing and safe environments for individuals and families experiencing homelessness.

The Bay Area Preservation pilot program and **Housing for Health fund** recently came to fruition due to a partnership between Enterprise Community Partners and Kaiser Permanente. The two partners have dedicated \$50 million toward the Bay Area Preservation pilot program and another \$85 million for a private equity Housing for Health Fund, both of which have so far helped preserve 814 homes.²¹ These programs are available to several counties, including San Mateo, with 51 percent of funds targeted to the city of Oakland. The programs will help developers acquire and preserve existing affordable rental housing and prevent displacement of residents from their homes. While these programs do not target resources to cities, it is important for cities to know these programs exist when thinking about all of the tools that can be used to implement their affordable housing strategy.

The Apple Affordable Housing Fund was similarly developed through a partnership between Apple and the Housing Trust Silicon Valley. In 2021, the fund supported developers in creating affordable housing units, with priority given to those that are developed for vulnerable populations at the lowest AMI levels.²² The units will have long-term affordability restrictions.

¹⁸ The Bay's Future Fund. Bay's Future Fund. https://baysfuture.org/wp-content/uploads/2021/03/BFF-1-Pager_FIN-1-3-10-21-PBF-Website.pdf

¹⁹ The Bay's Future Fund. Community Housing Fund. https://baysfuture.org/wp-content/uploads/2020/12/CHF-1-Pager_FIN.pdf

²⁰ Housing Industry Foundation. Renovation Program. <https://www.hifinfo.org/programs/renovation-project/>

²¹ Enterprise Community Partners. 2019. Enterprise and Kaiser Permanente Announce New Funds. <https://www.enterprisecommunity.org/blog/enterprise-kaiser-permanente-announce-new-funds>

²² Housing Trust Silicon Valley. Apple Affordable Housing Fund: A New Commitment to Affordable Housing. <https://secureservercdn.net/198.71.233.138/gzl.ab0.myftpupload.com/wp-content/uploads/2021/03/Apple-Affordable-Housing-Fund-RFI-Preview-FINAL-PDF.pdf>

4. Strategies and Actions

The AHSP strategies and actions set forth in this Section bridge the policies of the City's Housing Element to the pillars established in Section One, resulting in a high-level blueprint that sets a direction for affordable housing programs over the 8-year RHNA cycle. They include 21 strategic actions organized by the five foundational pillars of the plan. These are actions designed to move Brisbane forward in addressing its identified affordable housing challenges. Strategies and actions are intended to *complement* existing and proposed housing strategies and programs in the City's Housing Element Housing Plan. In the strategies below, relevant Housing Element programs are identified. These strategies were developed through

- coordination with the Affordable Housing Subcommittee;
- insights from City Staff;
- technical analysis presented in this Plan and its appendices; and
- research on best practices from other communities across the state.

A. Increase production of affordable housing

Housing affordability is a direct function of housing production. These strategies remove barriers to housing production and provide incentives and direct actions to reduce costs and encourage desired housing types.

A-1: Subsidize Affordable Housing through Direct Funding (2.D.1; 2.E.6; 2.F.4)

Through this strategy, the city will establish methods to subsidize the costs of affordable housing development through financial incentives and direct subsidy. The city will establish guidelines for the share of existing funding sources like the Low/Mod Housing Fund and new funding sources implemented through this AHSP that should be dedicated to direct funding through fee subsidies, predevelopment and construction grants or loans, or land donation or subsidy alongside Strategy A-5 below.

Actions:

- Annually develop estimates of funding sources and resources that are available and should be reserved for direct investment in affordable housing.
- In coordination with Strategy (E-1), create informational materials to distribute to affordable housing developers about city resources for affordable housing.
- Advertise public land available for land donation through RFQs and RFPs as sites are available.

- Create an incentive program comprised of waivers and grants that is available for market-rate development to encourage inclusionary set-aside rates above the minimum thresholds included in the Inclusionary Housing Ordinance

A-2: Support for Middle Housing (2-A-5; 2-A-6; 2-A-10; 2-D-2; 2-E-2; 2-E-3)

Middle housing types offer the opportunity to deliver low and moderately priced housing naturally in units that are not regulated. Through this program the City will take actions through changes in land use, dedication of financial resources, and regional coordination to encourage the development of middle housing types.

Actions:

- Conduct an analysis of zoning districts to identify where a reduction of minimum lot sizes may be appropriate to encourage development of tiny homes, rowhomes, bungalows, or other similar developments and adopt new zoning where appropriate. The analysis should consider the potential intersection of ministerial lot splits permitted under Government Code Section 66411.7 and should consider site characteristics including but not limited to topography, improved right-of-way widths, and proximity to transit and community amenities.
- Create a comprehensive Accessory Dwelling Unit fee waiver program and program funds through the biennial budget process. Publicize the program through means specified in the 2023-2031 Housing Element.
- Discuss and identify options for contributing funds to a regional ADU loan program with 21 Elements and San Mateo County HEART for homeowners to construct an ADU that is held affordable for extremely low-income households for 15 years. Market to Brisbane property owners through means specified in the 2023-2031 Housing Element.
 - In the absence of a regional ADU loan program, evaluate the feasibility and impact of developing a City ADU construction loan program with funding supplemented by CalHome funding annually or as notices of funding availability are released. The evaluation could include a comprehensive review of similar ADU loan programs in other jurisdictions in the Bay Area, an analysis of typical ADU construction costs in Brisbane and return on investment calculations for ELI household rental payments, and consideration of site characteristics that may be appropriate (e.g., steep slopes, substandard rights-of-way).

A-3: Encourage Innovative Construction Types

Construction costs across the Bay Area have increased rapidly over the last decade, constraining development and making affordable housing development marginally less feasible. Through this strategy, the city will implement regulatory changes to enable and encourage the use of innovative construction typologies and materials. Examples include modular housing and cross-laminated timber. The technologies are being increasingly explored to reduce construction costs and subsidies required for affordable housing.

Actions:

- Review the existing zoning and building codes and development standards to identify barriers to innovative construction typologies.
- Explore zoning and building code amendments to allow and encourage innovative construction types.

A-4: Establish a Fee Deferral Program for 100% Affordable Development

The City imposes fees on development to mitigate the impact on public services that development creates. Collectively, fees can add considerable cost to a development project. Through this strategy, the city will create a fee assistance program to incentivize desired development types in the form of deferrals or waivers. This program could be supported through the city's Low/Mod housing fund or through newly established resources identified in this plan.

Actions:

- Establish a fee deferral program for 100% affordable projects that allows developers to pay fees at certificate of occupancy rather than at permitting. (Implements programs 2.D.1 and 2.F.7.)
- Establish guidelines and funding allocations for a program that will waive or discount fees for inclusionary units offered in addition to minimum set-asides.

A-5: Acquire and Assemble Developable Sites (2-F-3)

Through this strategy, the City will create processes to identify, purchase, and dispose of public land for affordable housing development. The purpose of this strategy is to use the city Low/Mod housing fund to strategically assemble sites that are more feasible for affordable housing development and to draw down the cost of affordable housing through land subsidy.

Actions:

- Identify any existing surplus parcels owned by the city that could be used for affordable housing. Explore adjacent parcels to assess opportunities for site assemblage.
- Create a process to monitor land/site listings and opportunities annually and do proactive outreach to landowners.
- Evaluate and select a robust menu of alternatives to constructing affordable housing units through the inclusionary housing ordinance update.
- When a site or sites are assembled, sell or lease publicly owned land at below-market rates to incentivize affordable housing development, in compliance with the Surplus Lands Act.

B. Preservation

These strategies include actions to preserve assets that Brisbane already has and to protect the existing housing stock.

B-1: Protect Naturally Occurring Affordable Housing

Through this strategy, the City will provide funding and financing alternatives for the acquisition or rehabilitation of existing unsubsidized low-income housing units (“naturally occurring affordable housing”) to increase the supply of deed-restricted affordable housing and help low-income households stay in their homes. This strategy would explore alternatives for rent protection measures and expanding rehabilitation programs for lower-income units. Implementation of this strategy should include collaboration with developers and nonprofit organizations with technical and financial expertise in addition to outreach with tenants and community groups.

Actions:

- Develop a preservation substrategy that includes developing an inventory of target properties and nonprofit partners.
- Provide direct funding to nonprofit organizations and/or the Brisbane Housing Authority to acquire and convert properties.

B-2: Preserve Existing Deed-Restricted Units (3-A-1)

Through this strategy, the City will subsidize deed-restricted projects that may be at risk of conversion to market rate due to expiring covenants. This strategy will require collaborating with existing property owners, developers, and potential mission-driven nonprofit organizations. It may also require local financial commitments for funding or financing acquisition or rehabilitation.

Actions:

- Create a database of deed-restricted properties in Brisbane that includes unit count, affordability level, and expiring covenant dates.
- Establish an early warning/monitoring system for deed-restricted units at risk.
- Make funding available for expiring deed-restricted projects.

B-3: Provide Tenant and Homeowner Education and Support (3-A-1)

Through this strategy, the City will directly provide or subsidize housing education services for low-income tenants and homeowners. This strategy commonly requires collaboration with a nonprofit organization or partner with the specialized expertise to provide these services.

Actions:

- Evaluate the range of needs and services that would be most beneficial to Brisbane residents through community outreach.

- Allocate funding sources to organizations that provide homeowner financial literacy training, foreclosure counseling, tenant-landlord mediation, home sharing matching and facilitation, and rehabilitation program technical assistance. (1.A.2)

B-4: Establish a Rehabilitation and Retrofit Program (3-A-4; 4-B-2)

Through this program, the City will establish a retrofit and rehabilitation program with the goal of preserving the existing lower-income housing stock (including naturally occurring affordable housing) and improving health and safety. This program will provide loans or grants to qualifying landlords and property owners.

Actions:

- Program earmarked Federal grant funds received in FY 2021-2022 to provide financial assistance in the form of loans or grants to retrofit existing units for low-income and special-needs households.
- Explore the viability and effectiveness of funding and participating in established Countywide rehabilitation programs as Federal grant funds are expended.

C. Provide access to housing for persons with special needs

The City's analysis of housing needs identified a growing need to provide a variety of housing types to accommodate special-needs populations, especially senior households. These strategies include actions to increase access to affordable housing options for these groups.

C-1: Ensure that the Baylands Development offers a variety of housing types and affordability levels (2-B-1)

Redevelopment of the Baylands Subarea into a new mixed-use neighborhood is the greatest opportunity to provide a variety of housing types that meet a broad range of housing needs in Brisbane. Through this strategy, as a part of development agreements and approval of the Baylands Specific Plan, the city will ensure that the Baylands development includes provisions to provide units for seniors or persons with disabilities or other special needs, as well as lower-income households.

Actions:

- Negotiate an agreement with the Baylands developer to include housing units aligning with community need identified in the 2023-2031 Housing Element.
- Adopt the Baylands Specific Plan once terms are mutually agreeable.

C-2: Expand incentives for projects serving special populations

Through this strategy, the City will offer additional incentives to projects that include units that serve households with special needs. Additional incentives could include fee waivers, density bonuses, expedited approvals, or direct investment through grants or loans.

Actions:

- Develop and adopt incentives policy for special-needs housing projects.

C-3: Mitigate Displacement (4-A-1; 4-A-B)

Growth pressures alongside increases in housing costs create growing risk of displacement, particularly among Brisbane's most vulnerable residents, which includes seniors on fixed incomes and persons with special housing needs. Through this strategy, the City will prioritize funding for antidisplacement programs to protect existing residents, including:

First-Time Homebuyer Program

Provide financial assistance to low- and moderate-income first-time homebuyers to assist with down payments, closing costs, inspection fees, or other associated costs.

Rental Assistance Program

Rental assistance is among the most effective ways to prevent displacement and housing insecurity by providing financial assistance in the form of rental payments or partial rent payments to lower-income tenants at risk of eviction.

Local Preference Guidelines

Local preference programs ensure that local resources are going to local or regional residents. The city will develop a local preference policy that will give preference to applicant households that meet program criteria to the maximum extent allowed by the law.

Actions:

- Create and maintain a repository of programs other than the ones offered by the city that offer assistance for first-time homebuyers.
- Update the First-Time Homebuyer Program guidelines to calibrate with current market conditions, build in flexibility as market conditions change, and evaluate available funding sources to capitalize the program.
- Identify target renter households most susceptible to displacement through community outreach, surveys, or review of third-party data and displacement risk metrics.
- Look to peer cities for successful case studies and create guidelines and processes for an ongoing local rental assistance program for targeted households. Capitalize and scale the program based on funding sources available through local and exogenous sources as they are available.
- Adopt local preference guidelines for affordable housing using local resources that incorporate flexibility in terms of target households and affordability levels to complement the City's RHNA.

C-4: Employer Assisted Housing (EAH)

EAH programs involve employers providing supply-side or demand-side assistance in providing affordable housing for their employees. EAH programs can include a broad range of factors including mortgage or down payment assistance, rent assistance, homebuyer counseling, and gap financing, among other factors. These programs are effective in markets where housing costs are high and a barrier to employee recruitment. Through this strategy, the city explore options for establishing an EAH program locally or a regional EAH coalition with surrounding jurisdictions.

Actions:

- Outreach to peer cities with similar economic development pressures to assess opportunities for regional partnerships.
- Through coordination with the Brisbane Chamber, develop and maintain an inventory of companies appropriate for EAH program outreach.
- Evaluate voluntary partnership models and regulatory strategies to encourage or require EAH program participation.
- Develop a program proposal and guidelines and present to the Affordable Housing Subcommittee and City Council for consideration.

D. Leverage private and outside investment

The City does not have the resources to solve its housing challenges on its own. These strategies include actions to increase the pool of funding sources and leverage investment from private sources.

D-1: Establish a Commercial Affordable Housing Impact Fee

Impact fees are only effective when market-rate activity is already occurring, which is the current condition in Brisbane's commercial market. Through this strategy, the city will establish a new funding source to support affordable housing production and programs by adopting a Commercial Affordable Housing Impact fee. State law regulates how cities may impose impact fees and requires impact fees to be adopted based on findings of a nexus between the development, appropriateness of the fee size, and how funds are used.

Actions:

- Update the City's Commercial Nexus Study and Feasibility Study.
- Adopt fee and implementation guidelines.

D-2: Explore Alternatives for Additional Funding Sources

Through this strategy, the City will build upon the analysis in Chapter 3 of this strategic plan to create new funding sources for affordable housing.

Actions:

- Track exogenous funding programs annually and apply for grants as eligible.
- Adopt policies to implement new local funding programs identified in Strategy D-3 (In-Lieu Fees for Inclusionary), Strategy D-1 (Commercial Linkage Fee), and other identified sources as legally and politically feasible.

D-3: Amend the Inclusionary Housing and Density Bonus Ordinances (2-E-4)

Through this strategy, the City will draft and adopt an update to its inclusionary housing ordinance and density bonus ordinance consistent with the recommendations of this strategic plan. These updates will amend set-aside and affordability levels to be better calibrated with market conditions and comply with current State law. The inclusionary ordinance update will also implement a range of alternatives, including an in-lieu fee, to providing affordable housing units.

Actions:

- Draft and adopt updated inclusionary and density bonus ordinances.

D-4: Evaluate a Special Purpose Business License Tax to Support Affordable Housing

Provisions to support affordable housing are often placed on real estate development, which can have adverse impact on development feasibility and economic development. Through this strategy the city will explore feasibility of a special purpose business tax on employers to create additional funding for affordable housing. In evaluating the feasibility of such a tax, the city will explore appropriate thresholds for business size or revenues, the nexus to creating affordable housing need, appropriate fee metrics, and the potential adverse impacts on business growth and retention.

Actions:

- Develop an RFP to hire a consultant to complete required technical analyses.
- Create a framework for a special purpose business tax based on the technical analyses.
- City Council consideration of the proposed special business tax to bring forward for voter approval.

E. Increase implementation capacity

These strategies include actions to increase the City's ability to implement housing policies through increased efficiency and strategic partnerships.

E-1: Proactively Attract Affordable Housing Investors (2-F-2)

In coordination with Strategy E-3 (Create a Database of the Regional Affordable Housing Ecosystem) and Housing Element program 2.F.2, through this strategy the City will develop ongoing relationships with nonprofit housing development corporations and for-profit affordable housing developers to build development expertise in Brisbane and align local opportunities with developer and investor resources.

Actions:

- Explore the feasibility of an initial developer familiarization tour of the city and strategic opportunity sites.
- Create marketing cut sheets for publicly owned sites that are suitable for affordable housing and available resources for affordable housing funding.

E-2: Property Owner Outreach (2-F-1)

In coordination with Strategy A-5 (Acquire and Assemble Developable Sites) and Strategy E-1 (Proactively Attract Affordable Housing Investors), through this strategy the City will proactively engage with existing property owners in the PAOZ-1 and PAOZ-2 overlay districts and other areas the Housing Element identifies as opportunity sites. This engagement will serve to encourage private redevelopment and connect interested property owners with affordable housing developers.

Actions:

- Create an initial database of priority sites and owner contacts in the PAOZ-1 and PAOZ-2 overlay zones.
- Submit letters of interest or conduct direct outreach to discuss redevelopment, sale, and partnership opportunities.

E-3: Create a database of the regional affordable housing ecosystem

Through this strategy, the City will gain a better understanding of the affordable housing ecosystem in its region. This will allow the city to prioritize investment decisions, conduct proactive outreach to developers and nonprofit organizations, and make connections between different groups.

Actions:

- Document the network of the affordable housing ecosystem in the region. Update biennially.

E-4: Advocate for legislation

Through this strategy, the City will participate in local and regional efforts to advocate for state legislation that provides resources and policy reform in support of affordable housing.

Actions:

- Annually track housing bills in the California legislature.
- Offer letters of support where appropriate.

E-5: Expand Administrative capacity by entering into shared agreements (7-A-6)

The City has a small staff with limited administrative capacity to oversee and maintain its affordable housing programs. Through this strategy, the City will join other cities in San Mateo County in an agreement to share housing staff to support management of the City's below-market-rate housing inventory.

Actions:

- Enter into a contract agreement with other San Mateo cities for shared housing program management services.

Summary Table of Strategies and Actions

Strategy	Responsible Department(s)	Partners	Administrative Impact	Financial Resources	Time Frame
A. Increase Production of Affordable Housing					
A-1: Subsidize Affordable Housing through Direct Funding (2-D-1; 2-E-6; 2-F-4)					
Annually develop estimates of funding sources and resources that are available and should be reserved for direct investment in affordable housing.	Finance; Community Development	HCD, 21 Elements	Moderate	Low	Annually
Advertise public land available for land donation through RFQs and RFPs as sites are available.	Community Development; City Manager	Brokers	Low	Low	Ongoing
In coordination with Strategy (E-1), create informational materials to distribute to affordable housing developers about city resources for affordable housing.	Community Development; City Manager	Developers and Brokers	Low	Low	Ongoing
Create an incentive program comprised of waivers and grants that is available for market-rate development to encourage inclusionary set-aside rates above the minimum thresholds included in the Inclusionary Housing Ordinance.	Community Development; City Manager	None	High	High	Years 1-3
A-2: Support for Middle Housing (2-A-5; 2-A-6; 2-A-10; 2-D-2; 2-E-2; 2-E-3)					
Create a comprehensive Accessory Dwelling Unit fee waiver program.	Community Development; City Manager	21 Elements, HCD, San Mateo County	Moderate	Moderate-High	Years 1-3
A-3: Encourage Innovative Construction Types					
Review the existing zoning code and development standards to identify barriers to innovative construction typologies. Explore zoning code amendments and new ordinances to allow and encourage innovative construction types.	Community Development	None	Low	Low	Years 1-3
A-4: Establish a Fee Deferral Program for 100% Affordable Development					
Establish a fee deferral program for 100% affordable projects that allows developers to pay fees at certificate of occupancy rather than at permitting.	Community Development; City Manager	None	Moderate	Moderate	Years 3-5
Establish guidelines and funding allocations for a program that will waive or discount fees for inclusionary units offered in addition to minimum set-asides.	Community Development; City Manager	None	Moderate	Moderate-high	Years 3-5

Strategy	Responsible Department(s)	Partners	Administrative Impact	Financial Resources	Time Frame
A-5: Acquire and Assemble Developable Sites (2-F-3)					
Identify any existing surplus parcels owned by the city that could be used for affordable housing. Explore adjacent parcels to assess opportunities for site assemblage.	Community Development; City Manager	Property owners, brokers	Low	Low	Years 1-3
Create a process to monitor land/site listings and opportunities annually and do proactive outreach to landowners.	Community Development; City Manager	Brokers; San Mateo County HEART (shared housing staff program)	Low	Low	Years 1-3
Evaluate and select a robust menu of alternatives to constructing affordable housing units through the inclusionary housing ordinance update.	Community Development; Planning Commission; City Council	None	Moderate	Low	Years 1-3
When a site or sites are assembled, sell or lease publicly owned land at below-market rates to incentivize affordable housing development in compliance with the Surplus Lands Act.	Community Development; City Manager	Brokers, developers	Moderate	High	Years 5-8
B. Preservation					
B-1: Protect Naturally Occurring Affordable Housing					
Develop a preservation substrategy that includes developing an inventory of target properties and nonprofit partners	Community Development	None	Low	Low	Years 3-5
Provide direct funding to nonprofit organizations and/or the Brisbane Housing Authority to acquire and convert properties.	Finance; City Manager; City Council	Nonprofits, Housing Authority	Moderate	High	TBD (see comment in strategy text above)
B-2: Preserve Existing Deed Restricted Units (3-A-1)					
Create a database of deed-restricted properties in Brisbane that includes unit count, affordability level, and expiring covenant dates.	Community Development	San Mateo County HEART (shared housing staff program)	Low	Low	Years 1-3
Establish an early warning/monitoring system for deed-restricted units at risk.	Community Development	San Mateo County HEART (shared housing staff program)	Low	Low	Years 1-3
Make funding available for expiring deed-restricted projects.	Community Development; City Manager; City Council	Property owners, Nonprofits, Developers; Housing Authority	Moderate	High	Years 3-5
B-3: Provide Tenant and Homeowner Education and Support (3-A-1)					

Strategy	Responsible Department(s)	Partners	Administrative Impact	Financial Resources	Time Frame
Evaluate the range of needs and services that would be most beneficial to Brisbane residents through community outreach.	Community Development	HUD rehabilitation grant consultants; community members	Moderate	Low	Years 1-3
Allocate funding sources to organizations that provide homeowner financial literacy training, foreclosure counseling, tenant-landlord mediation, homesharing matching and facilitation, and rehabilitation program technical assistance.	City Manager; Finance	Special needs groups, nonprofits	Moderate	Moderate	Ongoing
B-4: Establish a Rehabilitation and Retrofit Program (3-A-4; 4-B-2)					
Program earmarked Federal grant funds received in FY 2021-2022 to provide financial assistance in the form of loans or grants to retrofit existing units for low-income and special needs households.	Community Development	Property owners; consultant team	Moderate	Low	Ongoing
Explore the viability and effectiveness of funding and participating in established Countywide rehabilitation programs.	Community Development; City Manager; Finance; City Council	San Mateo County	Low	Moderate	As needed
C. Provide access to housing for persons with special needs, specifically seniors					
C-1: Ensure that the Baylands offers a variety of housing types and affordability levels (2-B-1)					
Negotiate an agreement with the Baylands developer to include housing units aligning with community need identified in the Housing Element Update.	City Council; City Manager	Baylands developer	Moderate	Low	Years 1-3
Approve the Baylands Specific Plan once terms are mutually agreeable.	City Council; City Manager	Baylands developer	Low	Low	Years 1-3
C-2: Expand Incentives for projects serving special populations					
Develop incentives policy for special needs housing projects.	Community Development; City Manager; City Council	Nonprofit organizations; affordable housing developers	Moderate	High	Years 3-5
C-3: Displacement (4-A-1; 4-A-2)					
Create and maintain a repository of programs exogenous to the city that offer assistance for first-time homebuyers.	Community Development	San Mateo County HEART (shared housing staff person); Nonprofit organizations	Low	Low	Years 1-3
Engage with major employers to build support for an Employer-Assisted Housing (EAH) component to the First-Time Homebuyer Program.	Community Development; Economic Development;	San Mateo County HEART (shared housing staff	Moderate	Low	Years 1-3

City of Brisbane AHSP

Strategy	Responsible Department(s)	Partners	Administrative Impact	Financial Resources	Time Frame
	City Manager; Finance	person); Major employers			
Update the First-Time Homebuyer Program guidelines to calibrate with current market conditions, build in flexibility as market conditions change, and identify funding sources to capitalize the program.	Community Development; City Manager; City Council	San Mateo County HEART (shared housing staff program); Housing Authority?	Moderate	High	Years 1-3
Identify target renter households most susceptible to displacement.	Community Development	Nonprofit organizations, community	Low	Low	Years 1-3
Create guidelines and processes for an ongoing local rental assistance program for targeted households. Capitalize and scale the program based on funding sources available through local and exogenous sources as they are available.	Community Development; City Manager; City Council	San Mateo County HEART (shared housing staff person); Nonprofit organizations, Housing Authority	High	High	Years 3-5
Adopt local preference guidelines for affordable housing using local resources that incorporate flexibility in terms of target households and affordability levels to complement the City's RHNA.	Community Development; City Council: City Manager	San Mateo County HEART (shared housing staff person)	Moderate	Low	Years 1-3
C-4: Employer Assisted Housing Program					
Outreach to peer cities with similar economic development pressures to assess opportunities for regional partnerships.	Community Development; City Manager	Peer cities	Low	Low	Years 1-3
Through coordination with the Brisbane Chamber, develop and maintain an inventory of companies appropriate for EAH program outreach.	Community Development; Brisbane Chamber	Brisbane Chamber, regional employers	Low	Low	Years 1-3
Evaluate voluntary partnership models and regulatory strategies to encourage or require EAH program participation.	Community Development; City Manager		Low	Low	Years 1-3
Develop a program proposal and guidelines and present to the Affordable Housing Subcommittee and City Council for consideration.	Community Development; City Council: City Manager	None	Low	Low	Years 1-3
D. Leverage private and outside investment					
D-1: Establish a Commercial Nexus Fee					
Update the City's Commercial Nexus Study and Feasibility Study.	Community Development	Contract consultants	Low	Low	Years 1-3

Strategy	Responsible Department(s)	Partners	Administrative Impact	Financial Resources	Time Frame
Adopt fee and implementation guidelines.	Community Development; City Council; City Manager; Finance	None	Low	Low	Years 1-3
D-2: Explore Alternatives for Additional Funding Sources					
Track exogenous funding programs annually and apply for grants as eligible.	Community Development; City Manager	HCD	Moderate	Low	Ongoing
Adopt policies to implement new local funding programs identified in Strategy D-3 (In-Lieu Fees for Inclusionary), Strategy D-1 (Commercial Linkage Fee), and other identified sources as legally and politically feasible.	Community Development; City Manager	Community	Low	Low	Ongoing
D-3: Amend the Inclusionary Housing and Density Bonus Ordinances (2-E-4)					
Draft and adopt updated inclusionary and density bonus ordinances.	Community Development; City Council	None	Low	Low	Years 1-3
D-4: Evaluate a Special Purpose Business License Tax to Support Affordable Housing					
Explore feasibility of a special purpose business tax on employers to create additional funding for affordable housing.	Community Development; City Manager	None	Moderate	Low	Years 1-3
E. Increase implementation capacity					
E-1: Proactively Attract Affordable Housing Investors (2-F-2)					
Explore the feasibility of an initial developer familiarization tour of the city and strategic opportunity sites.	Community Development; City Manager	Affordable housing developers, property owners, brokers	Moderate	Low	Ongoing
Create marketing cut sheets for publicly owned sites that are suitable for affordable housing and available resources for affordable housing funding.	Community Development	None	Low	Low	Ongoing
E-2: Property Owner Outreach (2-F-1)					
Create an initial database of priority sites and owner contacts in the PAOZ-1 and PAOZ-2 overlay zones.	Community Development	Brokers, property owners	Low	Low	Years 1-3
Submit letters of interest or conduct direct outreach to discuss redevelopment, sale, and partnership opportunities.	Community Development; City Manager	None	Low	Low	Years 3-5
E-3: Create a database of the regional affordable housing ecosystem					
Document the network of the affordable housing ecosystem in the region. Update biennially.	Community Development	San Mateo County HEART (shared housing staff person); 21 Elements	Moderate	Low	Years 1-3

Strategy	Responsible Department(s)	Partners	Administrative Impact	Financial Resources	Time Frame
E-4: Advocate for legislation					
Annually track housing bills in the California legislature.	Community Development	None	Low	Low	Ongoing
Offer letters of support where appropriate.	Community Development; City Council; City Manager	None	Low	Low	As needed
E-5: Expand Administrative capacity by entering into shared agreements (7-A-6)					
Enter into a contract agreement with other San Mateo cities for shared management services.	Community Development; City Council; City Manager	21 Elements, San Mateo County HEART	Low	Moderate	Years 1-3

Appendix A: Summary of Funding Programs

ECONorthwest reviewed various federal, state, local, and philanthropic funding sources available to the City of Brisbane. The following table provides a general description and a list of eligible projects for each grant and loan program.

Agency	Program	Description	Eligible Projects
Federal Funds			
US HUD	Assisted-Living Conversion Program	To provide private nonprofit owners of eligible developments with a grant to convert some or all of the dwelling units in the project into an Assisted-Living Facility (ALF) for the frail elderly	1. Physical conversion of existing project units, common and services space
US HUD	Community Development Block Grants	Grant awarded to the City annually on a formula basis to fund housing and economic development for low- and moderate- income persons.	1. Affordable housing construction 2. Economic Development 3. Historic preservation 4. Property acquisition for housing 5. Housing rehabilitation 6. Public services and facilities 7. Code enforcement 8. Fair housing activities
US HUD	Emergency Capital Repairs Program	Provides grants for substantial capital repairs to eligible multifamily projects that are owned by private nonprofit entities	1. Rehabilitation 2. Modernization 3. Retrofitting
US HUD	HOME Investment Partnership Program	Grant program specifically for housing.	1. Single-family or multifamily housing acquisition/rehab/construction 2. CHDO Assistance 3. Administration
US HUD	Emergency Solutions Grant Program	Grant awarded on an annual formula basis for shelter and services to homeless persons.	1. Homelessness prevention 2. Continuum of Care 3. Operating expenses

Agency	Program	Description	Eligible Projects
US HUD	Housing Opportunities for Persons with AIDS	Funds available countywide for supportive services and housing for persons with HIV/AIDS.	<ol style="list-style-type: none"> 1. Rental assistance 2. Social services 3. Housing
US HUD	Shelter Plus Care (S+C)	Grants for rental assistance, in combination with supportive services from other sources, to homeless people.	<ol style="list-style-type: none"> 1. Tenant-based rental assistance 2. Sponsor-based rental assistance 3. Project-based rental assistance
California HFA	CalFHA MyHome Assistance Program		<ol style="list-style-type: none"> 1. First-time homebuyers 2. Occupy property as primary residence 3. complete homebuyer education counseling and obtain certificate of completion through eligible organization 4. Meeting CalHFA income limits for the program. 5. Be single-family, one-unit residents, including approved condominium/PUDs (guest houses, granny units, and in-law quarters may be eligible) 6. Manufactured housing 7. Condominiums must meet the guidelines of the first mortgage
California HFA	CalHFA Conventional Loans	Various programs providing lower-cost loans, such as a 30-year fixed, interest-only PLUS, 40-year fixed	<ol style="list-style-type: none"> 1. First-time homebuyers 2. Low- and moderate- income homebuyers
California HFA	CalPLUS Conventional Loans		<ol style="list-style-type: none"> 1. Occupy the property as a primary residence; nonoccupant coborrowers are not allowed. 2. Complete homebuyer education counseling and obtain a certificate of completion 3. Meet CalHFA income limits for this program. 4. Be a single-family, one-unit residence, including approved condominium/PUDs 5. Guest houses, granny units and in-law quarters may be eligible 6. Condominiums must meet the guidelines of the

Agency	Program	Description	Eligible Projects
			first mortgage 7. Manufactured housing is permitted 8. Leaseholds/Land Trusts and Co-ops are not permitted
California HFA	ADU Grant Program		1. Borrower(s) income < 80% AMI per Fannie Mae lookup tool or 2. Borrower(s) income < the CalHFA income limit and property is located in a Qualified Census Tract** or 3. Borrower(s) income < the CalHFA income limit and the CLTV > 80%
California HFA	Section 811 Project Rental Assistance	Section 811 Project Rental Assistance offers long-term project-based rental assistance funding from the U.S. Department of Housing and Urban Development (HUD) through a collaborative partnership among the California Housing Finance Agency [CalHFA]), Department of Health Care Services (DHCS), Department of Housing and Community Development (HCD), Department of Developmental Services (DDS) and California Tax Credit Allocation Committee (TCAC).	1. Rental assistance for lower-income households
CalHCD	National Housing Trust Fund	National Housing Trust Fund is a permanent federal program with dedicated source(s) of funding not subject to the annual appropriations. The funds can be used to increase and preserve the supply of affordable housing, with an emphasis on rental housing for extremely low-income households (ELI households, with incomes of 30 percent of area median or less).	1. New construction
State Funds			

Agency	Program	Description	Eligible Projects
CalHCD	Affordable Housing and Sustainable Communities Program	The AHSC funds land use, housing, transportation, and land preservation projects that support infill and compact development and reduce greenhouse gas (GHG) emissions.	<ol style="list-style-type: none"> 1. Affordable Housing Developments 2. Housing-Related Infrastructure 3. Sustainable Transportation Infrastructure 4. Transportation-Related Amenities 5. Program Costs
CalHCD	CalHOME	CalHOME makes grants to local public agencies and nonprofit corporations to assist first-time homebuyers in becoming or remaining homeowners through deferred-payment loans. Funds can also be used to assist in the development of multiple-unit ownership projects	<ol style="list-style-type: none"> 1. Predevelopment, site development, and site acquisition for development projects. 2. Rehabilitation and acquisition and rehabilitation of site-built housing, and rehabilitation, repair, and replacement of manufactured homes 3. Down payment assistance, mortgage financing, homebuyer counseling, and technical assistance for self help
CalHCD	California Emergency Solutions and Housing	The CESH Program provides grant funds to eligible applicants for eligible activities to assist persons experiencing or at risk of homelessness. Eligible applicants are Administrative Entities (AEs) (local governments, nonprofit organizations, or unified funding agencies) designated by the Continuum of Care (CoC) to administer CESH funds in their service area.	<ol style="list-style-type: none"> 1. Housing relocation and stabilization services (including rental assistance) 2. Operating subsidies for permanent housing 3. Flexible housing subsidy funds 4. Operating support for emergency housing interventions 5. Systems support for homelessness services and housing delivery systems 6. Development or updating a Coordinated Entry System (CES), Homeless Management Information System (HMIS), or Homelessness Plan
CalHCD	Golden State Acquisition Fund (GSAF)	GSAF was seeded with \$23 million from the Department's Affordable Housing Innovation Fund. Combined with matching funds, GSAF makes up to five-year loans to developers	<ol style="list-style-type: none"> 1. Acquisition or preservation of affordable housing

Agency	Program	Description	Eligible Projects
CalHCD	Home Investment Partnerships Program	HOME assists cities, counties, and nonprofit community housing development organizations (CHDOs) to create and retain affordable housing for lower-income renters or owners. At least 50 percent of the amount is awarded to rural applicants and 15 percent is set aside for CHDOs. Funds are available in California communities that do not receive HOME funding directly from the U.S. Department of Housing and Urban Development.	<ol style="list-style-type: none"> 1. Housing rehabilitation, new construction, and acquisition and rehabilitation, for single family & multifamily projects 2. Predevelopment loans to CHDOs 3. Must benefit lower-income renters or owners
CalHCD	Housing for a Healthy California	HHC provides funding on a competitive basis to deliver supportive housing opportunities to developers using the federal National Housing Trust Funds (NHTF) allocations for operating reserve grants and capital loans.	<ol style="list-style-type: none"> 1. NHTF Uses: Acquisition and/or new construction 2. SB2 Applicants: Counties SB2 Uses: Acquisition, new construction or reconstruction and rehabilitation, administrative costs, capitalized operating subsidy reserves (COSR) and rental subsidies
CalHCD	Housing-Related Parks Program	The Housing-Related Parks Program funds the creation of new parks and recreation facilities or improvement of existing parks and recreation facilities that are associated with rental and ownership projects that are affordable to very low- and low-income households.	<ol style="list-style-type: none"> 1. Creation of new parks and recreation facilities or improvement of existing parks and recreation facilities
CalHCD	Infill Infrastructure Grant Program	IIG provides grant funding for infrastructure improvements for new infill housing in residential and/or mixed-use projects. Funds are made available through a competitive application process.	<ol style="list-style-type: none"> 1. New construction, rehabilitation, demolition, relocation, preservation, and acquisition of infrastructure
CalHCD	Local Early Action Planning Grants	The Local Early Action Planning (LEAP) program assists cities and counties with planning for housing through providing	<ol style="list-style-type: none"> 1. Reimbursement for activities that include the preparation and adoption of planning documents, process improvements that accelerate housing production, and facilitate compliance in

Agency	Program	Description	Eligible Projects
		over-the-counter, noncompetitive planning grants.	implementing the sixth cycle of the regional housing need assessment (RHNA).
CalHCD	Local Housing Trust Fund Program	Helps finance local housing trust funds dedicated to the creation or preservation of affordable housing.	1. Loans for construction of low-income affordable housing projects
CalHCD	Multifamily Housing Program (MHP)	MHP makes low-interest, long-term deferred-payment permanent loans to developers of affordable multifamily rental and transitional housing projects for lower-income households.	1. New construction, rehabilitation, or acquisition and rehabilitation of permanent or transitional rental housing, and the conversion of nonresidential structures to rental housing
CalHCD	Joe Serna, Jr., Farmworker	FWHG makes grants and loans for development or rehabilitation of rental and owner-occupied housing for agricultural workers with priority for lower-income households	1. Activities incurring costs in the development of rental housing or agricultural workers.
CalHCD	Mobilehome Park Rehabilitation and Resident Ownership Program	Funds awarded to mobile home park tenant organizations to convert mobile home parks to resident ownership.	1. Mobile home park acquisition and development
CalHCD	Pet Assistance and Support Program	Pet Assistance and Support provides funds to homeless shelters for shelter, food, and basic veterinary services for pets owned by individuals experiencing homelessness.	1. Shelter, food, and basic veterinary services for pets owned by individuals experiencing homelessness, along with staffing and liability insurance related to providing those services
CalHCD	Predevelopment Loan Program	Provide predevelopment capital loans to finance the start of low-income housing projects.	1. Construct, rehabilitate, convert, or preserve low-income housing 2. Site control, acquisition, technical studies/reports/plans, and fees
CalHCD	Permanent Local Housing Allocation	Funds the predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable for extremely low, very low, low, or moderate-income housing, homeownership opportunities, accessory	1. (Pre)development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing affordable to extremely low to moderate-income households & affordable rental and ownership housing, including ADUs that meet the needs of those earning up to 120% of AMI or

Agency	Program	Description	Eligible Projects
		dwelling units, assisting persons who are experiencing or at risk of homelessness, accessibility modifications, and efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.	<p>150% of AMI in high-cost areas.</p> <p>3. Matching portions of funds placed into Local or Regional Housing Trust Funds or funds available through the Low- and Moderate-Income Housing Asset Fund.</p> <p>5. Capitalized Reserves for Services connected to the preservation and creation of new permanent supportive housing.</p> <p>6. Assisting persons who are experiencing or at risk of homelessness.</p> <p>8. Rapid rehousing, rental assistance, navigation centers, emergency shelter, and transitional housing activities</p> <p>9. Accessibility modifications in lower-income owner-occupied housing.</p> <p>10. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.</p> <p>11. Homeownership opportunities (down payment assistance)</p> <p>12. Fiscal incentives made by a county to a city to incentivize approval of affordable housing projects, or matching funds invested by a county in an affordable housing development project in a city.</p>
CalHCD	Regional Early Action Planning Grant	EAP provides one-time grant funding to regional governments and regional entities for planning activities that will accelerate housing production and facilitate compliance in implementing the sixth cycle of the Regional Housing Needs Allocation.	<p>1. Developing an improved methodology for the distribution of the sixth cycle regional housing needs assessment (RHNA).</p> <p>2. Suballocating funds directly and equitably to jurisdictions or subregional entities in the form of planning grants that will accommodate the development of housing and infrastructure that accelerate housing production.</p> <p>3. Providing jurisdictions and other local agencies with technical assistance, planning, temporary</p>

Agency	Program	Description	Eligible Projects
			staffing or consultant needs associated with updating local planning and zoning documents, expediting application processing, and other actions to accelerate additional housing production. 4. Administrative costs related to the three main categories listed above.
CalHCD	Supportive Housing Multifamily Housing Program	SHMHP provides low-interest loans to developers of permanent affordable rental housing that contain supportive housing units.	SHMHP funds are for permanent financing only and may be used for new construction or rehabilitation of a multifamily rental housing development or conversion of a nonresidential structure to a multifamily rental housing development. Eligible use of funds may include, but are not limited to, real property acquisition, refinancing to retain affordable rents, necessary on-site and off-site improvements, reasonable fees and consulting costs, capitalized reserves, facilities for childcare, after-school care, and social service facilities integrally linked to the restricted supportive housing units. Eligible projects must have a minimum of five supportive housing units or a minimum of 40 percent of total units must be supportive housing units, whichever is greater, and must have associated supportive services for the intended target population living in the restricted units, pursuant to Health and Safety Code Section 50675.14.
CalHCD	Transit-Oriented Development Housing Program	The TOD program makes low-interest loans and grants for rental housing that includes affordable units that are located within one-quarter mile of a transit station. Eligible applicants include cities and counties, transit agencies, developers, and redevelopment agencies. Applications are accepted in	1. A Rental Housing Development Project; and/or An Infrastructure Project necessary for the development of specified Housing 2. Developments, or to facilitate connections between these Developments and the Transit Station.

Agency	Program	Description	Eligible Projects
		response to a periodic Notice of Funding Availability.	
CalHCD	Transitional Housing Program	The Transitional Housing Program allocates \$8 million in funding to counties for the purpose of housing stability to help young adults 18 to 25 years secure and maintain housing, with priority given to young adults formerly in the foster care or probation systems.	<ol style="list-style-type: none"> 1. Identifying and assisting housing services for this population within each community 2. Helping this population secure and maintain housing (with priority given to those formerly in the state's foster care or probation system) 3. Improving coordination of services and linkages to community resources within the child welfare system and the Homeless Continuum of Care 4. Outreach and targeting to serve those with the most severe needs
CalHCD	Veterans Housing and Homeless Prevention Program	VHHP makes long-term loans for development or preservation of rental housing for very low- and low-income veterans and their families. Funds are made available to sponsors who are for-profit or nonprofit corporations and public agencies. Availability of funds is announced annually through a Notice of Funding Availability.	<ol style="list-style-type: none"> 1. Involve the acquisition and/or construction or rehabilitation of an Affordable Rental Housing Development or Transitional Housing, or the conversion of an existing structure into one of these housing types. 2. Restrict occupancy to the greater of 25 percent of total units in the project or 10 units to Veterans under VHHP. However, if a project is determined to be rural as defined in Health and Safety Code Section 50199.21, then a minimum of five units must be restricted. 3. Restrict occupancy for at least 45 percent of Assisted Units to Extremely Low-Income Veterans, with rents not exceeding 30 percent of Area Median Income (AMI), calculated in accordance with TCAC regulations and procedures. TCAC utilizes the information published by HUD to calculate maximum rents and income limits for California LIHTC projects. The 2019 limits went into effect on April 24, 2019.

Agency	Program	Description	Eligible Projects
			4. For projects qualifying as Supportive Housing or Transitional Housing
Office of State Treasurer	California Tax Credit Allocation Committee: Low- Income Housing Tax Credits	The CTCAC administers the federal and state LIHTC Programs. Both programs were created to promote private investment in affordable rental housing for low-income Californians.	1. Persons Seeking Housing 2. Developers Building Housing 3. Owners and Managers of Existing Tax Credit Projects
Office of State Treasurer	California Tax Credit Allocation Committee: Historic Rehabilitation Tax Credits	CTCAC and the CA Office of Historic Preservation also administer the HRTC program, which provides a 10-20% one-time IRS tax credit on eligible rehabilitation costs for pre-1936 and National Register historic properties.	1. Rental housing rehabilitation 2. Mixed-use projects 3. Seismic strengthening 4. Ownership housing ineligible
Office of State Treasurer	California Debt Limit Allocation Committee: Various Programs	Federal law limits how much tax-exempt debt a state can issue in a calendar year for private projects that have a qualified public benefit. This cap is determined by a population-based formula. CDLAC was created to set and allocate California's annual debt ceiling and administer the State's tax-exempt bond program to issue the debt. CDLAC's programs are used to finance affordable housing developments for low-income Californians, build solid waste disposal and waste recycling facilities, and finance direct loans used by in-need college students and their parents.	1. Residential Rental Project Program 2. Single-Family First-Time Homebuyer Program 3. Home Improvement and Rehabilitation Program
Local Funds			
San Mateo Affordable Housing Fund	Affordable Housing Fund	Applications for this NOFA, accessible on the Department of Housing's website, are reviewed on a rolling "over-the-counter" basis until all ARAPP funds have been committed. The goal of ARAPP is to acquire	1. New Construction Multifamily Affordable Rental Housing projects 2. Multifamily Resyndication-Rehabilitation projects for existing deed-restricted multifamily affordable rental housing developments

Agency	Program	Description	Eligible Projects
		and preserve the affordability of existing multifamily buildings within the County that are rented at below-market rates and not currently subject to rent restrictions. There is currently zero funding available under the ARAPP program as of March 30, 2019.	<ul style="list-style-type: none"> 3. Multifamily New Construction Affordable First-Time Homeownership projects 4. Supportive Housing Projects which are Multifamily, New Construction, Affordable Rental Housing Projects or Multifamily Resyndication-Rehabilitation Projects that designate at least 20% of total project units as homeless households. 5. Creating units serving HHC-eligible households, which are households including one or more persons who experience chronic homelessness or who are high-cost health users.
San Mateo Department of Housing	Farm Labor Housing	San Mateo County Supervisor Don Horsley and the Department of Housing have prioritized a variety of projects to understand and improve our Agricultural Workforce Housing.	<ul style="list-style-type: none"> 1. The project units must be located in San Mateo County. 2. The project units must be rented to farmworkers, or farmworkers and their families, that meet the following criteria ("Eligible Farmworkers"): very low-income (under 50% of Area Median Income or AMI) and employed in full-time agricultural work in San Mateo County during the agricultural season. 3. Rent and any other housing-related expenses for the project units must remain stable for one year after occupancy and must not exceed 30% of the farmworker's gross income for the duration of the loan. 4. All project units must be used as rental housing for farmworkers for the life of the unit.
San Mateo Department of Housing	Below Market Rate Housing	<p>The County of San Mateo's Below-Market Rate (BMR) Program fulfills several key affordable homeownership objectives:</p> <ul style="list-style-type: none"> 1. Increases purchase capacity for low to moderate-income, homebuyers that either 	<ul style="list-style-type: none"> 1. All applicants must include a Preapproval Letter from a lender 2. All applicants must either live and/or work in San Mateo County 3. Primary residence is San Mateo County for a

Agency	Program	Description	Eligible Projects
		live and/or work in the County of San Mateo; 2. Creates a mechanism which adds permanent affordable housing in unincorporated San Mateo County; 3. Provides the resources and support to assist residents and individuals who work in the County to fulfill their dream of homeownership.	minimum of one year, continuously. Work in San Mateo County a minimum of one year over the last two years. Twenty hours per week, minimum average, over the course of the qualifying year. 4. In order to qualify to purchase a BMR home, the buyer must meet the following income requirement. San Mateo County Income limits for 2021 (80 percent Area Median Income): 5. Applicant must not have owned any real property in the last three calendar years. 6. Applicant's Household Composition must not exceed State limits: 3 persons for 2-bedroom unit, 4 persons for 3-bedroom unit. 7. Applicant must be able to show mortgage readiness, including having a minimum of 3 percent down payment.
San Mateo Department of Housing	Employee Down Payment Assistance Program	The Employee Down Payment Assistance Program is an employee benefit open to all full-time County of San Mateo and Housing Authority employees. The program is designed to encourage employees to live within the County, decreasing the environmental impact and the physical/emotional effects of a long commute.	1. County of San Mateo or Housing Authority employee; and 2. Currently full-time, permanent employee for at least 18 months; and 3. No income restrictions and cannot currently own a home in San Mateo County; and 4. Preapproval letter from San Mateo Credit Union (required).
San Mateo Department of Housing	Emergency Housing Vouchers	The Housing Authority of the County of San Mateo (HACSM) has been awarded 222 Emergency Housing Vouchers (EHVs) from the U.S. Department of Housing and Urban Development (HUD). Funding for the EHV Program is authorized by the American Rescue Plan Act of 2021.	Eligible individuals/households include people who meet the following criteria: 1. Homeless; 2. At risk of homelessness; 3. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human

Agency	Program	Description	Eligible Projects
			trafficking; or 4. Recently homeless as stated in EHV regulations and determined by homeless services providers.
San Mateo Department of Housing	No Place Like Home	Bond proceeds to invest in the development of permanent supportive housing for persons who are in need of mental health services and are experiencing homelessness, chronic homelessness, or who are at risk of chronic homelessness.	1. Low-barrier tenant selection practices that prioritize vulnerable populations 2. Must offer flexible, voluntary, and individualized supportive services 3. 0-year County commitment to provide mental health services & coordinate access to other community-based supportive services 4. Must have a minimum of five NPLH units per project
San Mateo Department of Housing	Home Sharing	The Home Sharing Program helps match “providers” with a spare room or rooms with “seekers” who are looking for an affordable place to live. Some of the seekers are also willing to exchange household chores for a reduced rent. Below are some partial monthly listings of the housing opportunities available through this program for both “providers” and “seekers.”	1. Home Seekers must live, work, or attend school in San Mateo County. 2. Home Providers must reside in San Mateo County.
San Mateo Department of Housing	Landlord Incentive Programs	The Housing Authority of San Mateo offers three landlord incentive opportunities: 1. The Landlord Continuity Bonus: offered to landlords who have one of the program participants move out of a unit but have another program participant move in within 60 days. Receive up to one additional month contract repayment. 2. \$1,000 bonus for partnering with the Housing Authority. Available to landlords who have not participated in any of the San Mateo County subsidized housing programs	NA

Agency	Program	Description	Eligible Projects
		<p>for at least 3 years.</p> <p>3. Landlord "No Loss" Bonus: daily proration of the full agreed-upon contract rent from the day the Housing Authority received the Request for Tenancy Approval to the start date of the housing Assistance Payments contract, up to one month's contract rent.</p> <p>Landlords may qualify for more than one bonus.</p>	
Housing Endowment and Regional Trust of San Mateo County (HEART)	QuickStart Developer Loan	The QS Program is designed to provide short-term, quick-turnaround loans to assist with the early stages of project development.	<p>1. Eligible Activities include acquisition, predevelopment, construction or rehabilitation, and refinancing to preserve affordability. Other requirements:</p> <p>2. Funding must be secured by a deed of trust against an interest in the real property.</p> <p>3. Project must be located within the jurisdiction of the member agencies of HEART</p> <p>4. Project must be located in a jurisdiction that has an adopted housing element or one that is under review by State HCD.</p>
Housing Endowment and Regional Trust of San Mateo County (HEART)	SemiPerm Loan Developer Loan	This program is intended to assist: (1) developers with more complex projects needing acquisition and/or predevelopment funds and which projects need longer time frames to complete predevelopment activities (such as securing entitlements and other financing commitments, undertaking relocation, etc.) before they can reach construction start; and (2) owners of existing affordable housing developments to address immediate needs, including refinancing to preserve affordability, and rehab while	<p>1. Eligible Activities include acquisition, predevelopment, construction or rehabilitation, and refinancing to preserve affordability. Other requirements:</p> <p>2. Funding must be secured by a deed of trust against an interest in the real property.</p> <p>3. Project must be located within the jurisdiction of the member agencies of HEART</p> <p>4. Project must be located in a jurisdiction that has an adopted housing element or one that is under review by State HCD.</p>

Agency	Program	Description	Eligible Projects
		awaiting the necessary time to lapse before they can seek to refinance with tax credits or other funding source.	
California HCD	Homekey	Homekey is an opportunity for state, regional, and local public entities to develop a broad range of housing types, including but not limited to hotels, motels, hostels, single-family homes and multifamily apartments, adult residential facilities, and manufactured housing, and to convert commercial properties and other existing buildings to Permanent or Interim Housing for the Target Population.	<ol style="list-style-type: none"> 1. Acquisition or rehabilitation, or acquisition and rehabilitation, of motels, hotels, hostels, or other sites and assets, including apartments or homes, adult residential facilities, residential care facilities for the elderly, manufactured housing, commercial properties, and other buildings with existing uses that could be converted to permanent or interim housing. 2. Master leasing of properties for noncongregate housing. 3. Conversion of units from nonresidential to residential. 4. New construction of dwelling units. 5. The purchase of affordability covenants and restrictions for units. 6. Relocation costs for individuals who are being displaced as a result of the Homekey Project. 7. Capitalized operating subsidies for units purchased, converted, constructed, or altered with funds awarded under the Homekey Round 2 NOFA for FY 2021-22.
California HCD	California Housing Accelerator	The intent of this program is to reduce the backlog of projects “stuck” in the funding pipeline to accelerate the development of housing for those most in need. These funds will be used to fill funding gaps in shovel-ready projects that have received funding under other HCD programs and have been unable to access low-income housing tax credits.	California Housing Accelerator funding will be used to fill the permanent financing funding gap left by the inability to obtain tax credits/bonds for projects with active HCD funding awards.

Agency	Program	Description	Eligible Projects
Brisbane Housing Authority	Low- and Moderate-Income Housing Fund	The Brisbane Housing Authority administers the Low- and Moderate-Income Housing Fund, which helps to fund a variety of housing programs such as the First-Time Homebuyer loan program and grants to assist homeowners to maintain and rehabilitate their homes.	NA
Bay Area Housing Finance Authority	Housing Protection, Preservation, and Production	<p>MTC, the Association of Bay Area Governments (ABAG) and the Bay Area Housing Finance Authority (BAHFA) have developed a three-pronged approach called the “3Ps.” Together, they are:</p> <p>Protection for current residents to avoid displacement Preservation of existing housing affordable for lower- and middle-income residents Production of new housing at all income levels, especially affordable housing</p>	NA
Philanthropic Funds			
The Bay's Future, Family of Loan Funds	Bay's Future Fund	The Bay's Future Fund (BFF) is a \$500 million loan fund that serves five counties in the Bay Area: San Francisco, Alameda, Contra Costa, San Mateo, and Santa Clara. BFF invests in affordable housing serving a range of incomes, from extremely low-income individuals and families to much needed workforce housing – ranging from 0–120% Area Median Income (AMI).	<ol style="list-style-type: none"> 1. Be one of five counties in the bay area (San Francisco, Alameda, Contra Costa, San Mateo, and Santa Clara). 2. Projects that serve 0-120% AMI
The Bay's Future, Family of Loan Funds	Community Housing Fund	The Community Housing Fund (CHF) is a \$150M loan fund designed to serve five counties in the Bay Area: San Francisco, Alameda, Contra Costa,	1. Be one of five counties in the bay area (San Francisco, Alameda, Contra Costa, San Mateo, and Santa Clara).

Agency	Program	Description	Eligible Projects
		San Mateo, and Santa Clara. CHF provides low-cost financing for affordable housing projects and supportive housing built for extremely low-income individuals and families.	2. Projects with at least 20% of their tenants at 30% AMI or below.
Housing Industry Foundation	Affordable Housing Initiative	Through our extensive network of landlords and property management companies, HIF matches qualified applicants living in Santa Clara and San Mateo Counties (particularly those in the education, nonprofit and other community-based sectors) who fall in the 50-80% of Average Median Income (AMI) to affordable housing at up to 50% below market rates for up to three years. Households that are close to this range will be considered depending on circumstances and their overall financial picture	NA
Housing Industry Foundation	Emergency Housing Fund	HIF accepts applications directly from community members (click the link on this page) and also collaborates with a network of partner agencies that provide initial screening and supportive services for those that demonstrate need and ability to utilize our emergency housing grants for sustained stability leveraging up to \$2,500 in support benefiting households threatened with homelessness. In 2020, HIF granted over \$900,000 in assistance to help prevent more than 500 families from experiencing homelessness	NA
Housing Industry Foundation	Renovation Program	HIF supports nonprofit agencies in San Mateo and Santa Clara Counties that provide permanent, transitional, and temporary	1. Applicant must be a 501(c)3 nonprofit entity that provides housing and/or shelter and services, including permanent, transitional, or emergency

Agency	Program	Description	Eligible Projects
		housing and safe environments for individuals and families experiencing homelessness. Leveraging our vast network and resources within the multifamily industry, HIF completes small and large-scale renovations at no cost to our grantees, allowing these organizations to focus their budgets on the clients and communities they serve.	<p>housing</p> <p>2. Facility must be located within Santa Clara or San Mateo Counties</p> <p>3. Must serve a population that is experiencing homelessness and housing insecurity, including seniors, veterans, people with disabilities, victims of domestic violence, and low-income families</p> <p>4. The scope of work and its cost must fall within the overall annual HIF Renovations budget, taking into consideration time constraints, codes, and compliance concerns</p> <p>5. The scope of work must also be able to demonstrate an ability to host a group of volunteers for a project service day, usually the last workday, including tasks such as painting, light landscaping, cleaning etc.</p>
Enterprise Community Partners/Kaiser Perm.	Housing for Health Fund	\$50 million Bay Area Preservation Pilot and \$85 million private equity Housing for Health Fund seeded by Kaiser Permanente, currently helping preserve 814 homes. This is a multi-investor equity fund.	<p>1. Acquisition and preservation of existing affordable rental housing and prevention of residents' displacement.</p> <p>2. Supports development of a Health Action Plan that incorporates design and operations features into properties in order to mitigate health risks</p> <p>3. Conducts study to determine specific health needs of residents in each investment, and annual surveys will monitor resident health outcomes over 5-7 years</p> <p>4. All qualifying developers and building owner/managers must create Health Action Plans.</p>
Apple	Apple Affordable Housing Fund	Apple has entered into a partnership with Housing Trust to implement the Fund. Using	1. Priority will be given to projects that will be under construction by December 31, 2021, and

Agency	Program	Description	Eligible Projects
		the Fund, Housing Trust will deploy new solutions, accelerate construction timelines, and house families faster by making loans to qualified developers for affordable housing in the greater Bay Area.	serving the most vulnerable populations at the lowest Area Median Income (AMI) levels. All units developed using funds from the Fund will have long-term affordability restrictions. 2. Transit-oriented developments that incorporate sustainable building methods, efficient use of resources, and unique aspects that support residents and the community.

Appendix B: Analysis of Inclusionary Housing Policies

Purpose and Context

In 2019, the Brisbane Planning Commission considered draft updates to the City's Inclusionary Housing and Density Bonuses Ordinance, originally adopted in 2009. The Commission's study of the ordinance included both discrete changes to comply with current State law and a broader re-envisioning of the program in light of current and projected housing development patterns in the City. The Planning Commission ultimately recommended an updated ordinance for approval by the City Council. However, the City Council has not yet considered the draft ordinance.

This section reviews the updates to Brisbane's draft Inclusionary Housing and Density Bonus Ordinance recommended by the Planning Commission in 2019 and provides recommendations that will ensure the ordinance is consistent with the larger goals of the AHSP. As a part of this review, we analyzed inclusionary housing policies across a sample of jurisdictions in the region to inform current best practices and identify alternatives for program design. This review was juxtaposed against case studies of successful mixed-income development projects delivered through inclusionary policies in the region.

Background

Inclusionary housing ordinances (IHO) are a rapidly growing policy used by local governments with goals of increasing affordable housing supply. Through an IHO, cities require or encourage developers to create below-market rental apartments or for-sale homes in connection with the local zoning approval of a proposed market-rate development project. Through an IHO policy, cities across the Bay Area have sought to harness the complex, ever-changing dynamics of market-rate real estate development to achieve a fixed policy objective.

While often paired, inclusionary housing and density bonuses are two separate tools with distinctive goals.

One tool to incent developers to build below-market units is to allow density bonuses, which can enhance feasibility in areas where development is already occurring. The State of California has adopted density bonus regulations that apply to jurisdictions throughout the State regardless of whether those jurisdictions have adopted implementing ordinances. Cities may adopt implementing ordinances that include density bonus provisions that go above and beyond the State's regulations but may not reduce density bonuses below those permitted by the State. Defined simply, a density bonus allows developers to build larger buildings (in terms of units per acre, height, or floor area ratio) to offset the loss of income in providing below-market rate units. It can improve a development's financial feasibility so long as the increase in net income outweighs the marginal increase in cost (and

risk). Below-market-rate units provided through an inclusionary housing program can be used to qualify for a density bonus.

Designing inclusionary housing and density bonus ordinances can be complex and controversial. Local jurisdictions must navigate affordable housing goals and other public benefits while also understanding that the effectiveness of tools is shaped by the local market for housing. If set-aside or affordability requirements are too stringent, local governments run the risk of a net loss of housing supply (both affordable and market rate). This undersupply by extension perpetuates the problem the policy is intended to mitigate. And if requirements are too loose, jurisdictions risk having a policy that is ineffective at meeting local housing objectives and the needs of their residents. Consequently, local jurisdictions must understand the conditions of their respective market to calibrate the policy, mitigate potential adverse impacts, and incent the production of affordable housing.

Brisbane's Proposed Inclusionary Housing Ordinance

Brisbane's draft IHO would replace its current sliding scale for inclusionary requirements with a flat share of 15% for both rental and for-sale projects. It would also reduce the minimum project size from six units to five units to align with the State density bonus threshold.

Brisbane's draft IHO distinguishes affordability requirements by tenure (rental/for-sale), size, and affordability level.

Figure 1: Summary of Draft Brisbane Inclusionary Housing Ordinance

Units	Rental	For-sale
0 to 4 units	Exempt	Exempt
5 to 10 units	15% set-aside @ 50% AMI	15% set-aside @ 120% AMI
11+ units	15% set-aside @ 60% AMI	10% set-aside @ 120% AMI 5% set-aside at 80% AMI

State law also requires that cities provide at least one alternative to providing on-site units for rental housing projects. Alternatives may include payment of an in-lieu fee, land dedication, providing set-aside requirements off-site, or another negotiated alternative.

Evaluating Inclusionary Trade-Offs: Markings of a Successful Policy

Like other investments, residential development (market rate) competes for capital in a marketplace that balances risk against rates of return. When rates of return in a particular area are low relative to alternative investments, capital flows elsewhere. This presents a challenge for inclusionary policies that require mixed-income development, which adversely impacts development feasibility (through lower net income per unit) unless there are mitigating factors.

When designing inclusionary policies, jurisdictions must consider the trade-offs associated with different policy levers that may include:

Mandatory vs. voluntary status. Throughout the state, most programs are mandatory, with wide variety in where and when the requirements apply. For example, some mandatory programs apply only in the context of a zoning change. As of November 2021, there are 150 jurisdictions in California with inclusionary housing programs, and less than 20 programs are voluntary.

Set-aside amount. Typically, jurisdictions have set-asides between 10 and 20 percent, but a few places have much higher requirements and some places have sliding requirements based on the number of units in the project or the level of affordability.

Eligibility and term. Most policies in California set income eligibility requirements aimed at households that earn between 60 and 120 percent of AML.

Types and locations of development. Some policies exempt projects based on project size (number of units) or type (condominium, redevelopment, or adaptive use). Some policies have specific requirements by neighborhood.

Alternatives. Some policies in the state allow developers to make use of in lieu payments into a local housing fund or provide the below-market units off-site.

Incentives. Most policies provide incentives to encourage participation or to offset the impacts of mandatory policies. Common incentives include some combination of direct subsidies, tax abatements, density bonuses, and reduced parking requirements.

Observations in Recent Research

In a recent analysis conducted by the Up for Growth Foundation,²³ researchers interviewed advocates, developers, and practitioners on their opinions and preferences of inclusionary housing policy factors. Key findings included:

- More than half of advocates and nearly three-fourths of practitioners favor maximizing the number of income-restricted units produced under IH policies, even if that means not every building is mixed income.
- More than half of advocates and nearly two-thirds of developers and practitioners favor greater unit set-asides over deeper affordability.
- Advocates were split evenly between maximizing units set aside versus optimizing for the duration of affordability, while most developers and practitioners prioritize maximizing units set aside.

In addition to the policy levers identified above, several other factors are also indicative of successful IHO policies. The most important among these is favorable market conditions. Research from the Urban Land Institute²⁴ found that:

²³ Up For Growth Foundation. "Missed Opportunities: Assessing and Leveraging Requirements, Incentives, & Tradeoffs in Affordable Housing Development." Policy Brief #1. April 2022.

²⁴ The Economics of Inclusionary Development, 2016. Urban Land Institute.

“The single most important factor for an IZ²⁵ policy to achieve its goals is a significant and sustained level of market-rate development in the local market. If a community is not currently experiencing a material amount of new development, an IZ policy will not generate a meaningful number of new workforce housing units.”

Another important consideration is ensuring the policy is responsive to variance in market conditions. Rent levels (and sales prices) vary across a market. All else equal, this means that a uniform IHO policy will disproportionately impact different segments of the same market. Where the spread between market rents and affordable thresholds are higher, the policy will have a greater adverse impact because it will be harder for new residential projects to pencil.

Finally, policies that include mechanisms to reevaluate and revise the policy over time are best at responding to changes in market conditions over time.

The Role of Incentives in Inclusionary Policy

Unless income potential is sufficiently high to support the inclusion of below-market units in mixed-income properties, development incentives are often required to mitigate or fully offset the loss of income. This is achieved through development incentives. Communities can offer an array of incentives, ranging from density bonuses (required in California law) to zoning variances, fee waivers, or even direct subsidies.

A density bonus is a common incentive used in inclusionary housing programs. It provides an increase in allowed dwelling units per acre, floor area ratio, or height, which typically means that more housing units can be built on a single site. However, in many markets, other land development regulations or market conditions may make density bonuses useless. For example, a bonus that provides additional units per acre, but not additional height, may not result in additional development capacity. For density bonuses to be successful, three considerations should be addressed:

- Effects of density bonuses can vary substantially based on market conditions because they are typically only attractive in markets where more square footage will result in greater profitability. Density bonuses will not incentivize developers in markets where new development is less profitable.
- Increasing the density or height of a development can nudge projects into a higher-cost category depending on building materials or increased parking requirements. When this is the case, the bonus is not effective.
- Increased density may reduce the efficiency of the building or generate layouts that are less appealing, such as reducing natural light, courtyards, or other open spaces which may yield less profitability.

²⁵ The terms Inclusionary Zoning (IZ) and Inclusionary Housing are often used interchangeably.

IHO Case Studies in Peer Cities

A review of inclusionary housing policies among peer cities provides a comparison of how other communities have addresses similar housing challenges within a similar regional market context. We conducted case studies of seven cities in the region, comparing requirements to Brisbane's ordinance.

Figure 2: Case Study Summary of Peer City IHO Policies (2022)

	Colma	Daly City	Fremont	Pacifica	San Mateo	South San Francisco	Redwood City	Brisbane (proposed)
Year of Adoption	2017	2018	2021	2007	2004	2018	2021	N/A
Mandatory or Voluntary	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory
Min Set-aside Amount	20% of total project units	20% of total project units and set-aside requirement varies	10% of total project units and set-aside requirement varies	15% of total project units	20% of total project units	10% of total project units	15% of total project units and set-aside requirement varies	15% of total project units ²⁶
Max set-aside	None specified	Non specified	15% of total project units	None specified	None specified	None specified	None specified	None specified
Lowest Income Served	50% AMI	120% AMI	50% AMI	50% AMI	50% AMI	30% AMI	30% AMI	50% AMI
Highest Income Served	120% AMI	120% AMI	110% AMI	120% AMI	120% AMI	110% AMI	120% AMI	120% AMI
Tenure Type	For-sale	For-sale	Rental and for-sale	Rent and for-sale	Rent and for-sale	Rent and for-sale	Rent and for-sale	Rent and for-sale
Term	45 years	55 years	55 years	55 years	55 years	55 years	55 years	N/A
Types of development	All types	Condominium, stock cooperative, community apartment, or attached or detached single-family home	Condominium, stock cooperative, community apartment, or attached or detached single-family home	Condominium, single-family home, common interest development and mutual housing associations	Not specified	Attached or detached single-family home, condominium, stock cooperative or community apartment	All types except ADUs	Not specified
Location of development	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction
Alternatives	In-lieu fee	off-site units, donate land	off-site units	off-site units, in-lieu fee, donate land	off-site units, rehab-regulated units, in-lieu fee, donate land	Off-site units, in-lieu fee, dedication of land, construction of ADUs, negotiated funding	off-site units, donate land, purchase existing units	In-lieu fee; Applicant may request approval of an adjustment to the inclusionary requirements
Incentives	Density bonus, other zoning variance, unit concession	Density bonus waivers	Density bonus	Density bonus, other zoning variance, fee reduction/waiver	Density bonus, expedited permitting, fee reduction/waiver	Offsets may include incentives provided to the City to developments qualifying for a density bonus	Density bonus, fee waiver	Density bonus

²⁶ Proposed ordinance requires inclusionary units for rental projects to be targeted to very low-income households. Proposed ordinance requires inclusionary units for for-sale projects to be targeted toward moderate-income households (five to ten units/lots) and 10% to moderate-income households and 5% to low-income households for 11+ units/lots.

These case studies revealed the following themes:

- Most of the jurisdictions have a constant minimum set-aside consistent with the draft IHO ordinance updates.
- All but one city requires a 55-year affordability term. Colma is the exception, which requires a 45-year term.
- Most cities' IHO covers both rental and for-sale development. Two cities (Colma, Daly City) target for-sale only.
- Affordability levels vary across different cities and by tenure. IHO policies that target rental properties are split. Three cities target very low-income households (50% AMI) or lower and two others target extremely low-income (30% AMI) households.
- Set-aside rates are inversely related to affordability level. For example, South San Francisco has the lowest affordability level for rental (30% AMI) but only requires a 10% set-aside at this threshold.
- IHO policies that apply to for-sale development are generally targeting moderate-income households (120% AMI) at 15% to 20% set-aside levels.
- With a few exceptions, most cities offer a range of alternatives. Allowing affordable units to be built off-site (six cities) and in-lieu fees (five cities) are the most common alternatives. Other options offered include land dedication (five cities), purchase and rehab of existing units (two cities), and specially negotiated alternatives (one city).
- Most jurisdictions combine the state-mandated density bonus with at least one other incentive, most commonly a fee waiver and/or zoning variance.

"In California, the requirements in most inclusionary policies adopted so far have fallen within the 10-20% range - 15% being the most common."²⁷

- Local Government Commission

Recommendations for Brisbane

Based on the preceding research and analysis, we propose the following recommendations for Brisbane's IHO:

Include a review and revise mechanism. The policy should include a specified intermediate-term mechanism (three to four years) to review the effectiveness of the policy to respond to changes in market conditions as appropriate.

Offer more alternatives than just an in-lieu fee. Offering multiple avenues to meet inclusionary requirements is established precedent in the region. A poorly calibrated policy risks stifling development altogether, perpetuating a lack of affordability. Increasing the number of options available as alternatives and incentives to draw from will reduce this risk considerably. Options could include land dedication, off-site development, rehabilitation, or an

²⁷ Local Government Commission. California Inclusionary Factsheet. November 2018

objective process for a negotiated alternative. The city should balance these alternatives against its administrative capacity and/or appetite for direct intervention in affordable housing development.

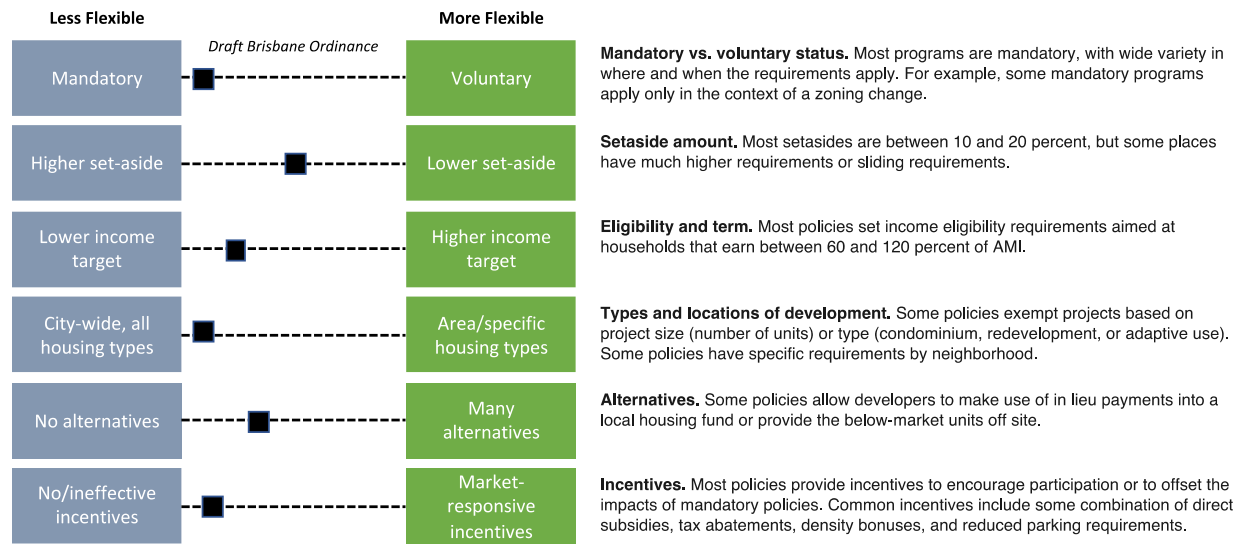
Allow for-sale projects to meet inclusionary requirements by providing rental units. In markets like Brisbane, the inclusionary requirement has a bigger impact on feasibility in the for-sale market. Unless providing ownership opportunities for moderate-income households is a strong priority that cannot be met through another program, the city should consider offering an alternative that lets for-sale development meet inclusionary requirements by including affordable rental units (at lower affordability levels).

Do not adopt a maximum in-lieu fee. If it is a desired alternative (as recommended), the city will conduct a study to assess the maximum feasible in-lieu fee as an alternative. It is strongly recommended that the city does not adopt the maximum fee. The city should consider the trade-offs of meeting production objectives against the risk of disrupting market fundamentals.

Use care in calibrating resale controls for for-sale inclusionary units. A major advantage of inclusionary policies targeting for-sale development is the opportunity to build wealth through ownership of a home. Where resale controls require homes to be resold at an affordable price to another low-income household, these benefits are not realized. The city should take care in crafting an equity sharing policy that provides homeowners the advantages of wealth building but preserves affordability. One way of balancing these interests is a policy that splits equity built through appreciation between the city and the homeowner (typically sunseting after a period of time). Proceeds to the city can be used to invest in future programs.

Calibrate the policy to conditions in Central Brisbane. The variance in market conditions between Central Brisbane and the Baylands is likely to be considerable. The Baylands is a highly unique development scenario where a negotiated developer agreement is going to be a more effective mechanism to meeting community objectives. As such, the city should consider Central Brisbane the target geography for IHO policies or, alternatively, craft separate requirements for each geography or by development scale.

Prioritize monetary/variance incentives over density bonus (in Central Brisbane). The existing development form in Central Brisbane is generally low density, in part due to parcelization, historical land use, topography, and market conditions. If Central Brisbane is the target geography, then higher-density development that could capitalize on density bonuses is not going to be consistent with the existing development pattern. Density bonuses are likely to be an ineffective incentive in Central Brisbane. The city should alternatively offer monetary incentives such as fee waivers or zoning variances like parking requirements.

Figure 3: Flexibility of Brisbane's Proposed IHO Policy

Appendix C: Inclusionary Housing Project Case Studies

This appendix highlights case studies of successful mixed-income projects developed under inclusionary housing among peer cities. In these case studies we can observe the conditions that resulted in cross-subsidization of affordable units in mixed-income projects derived from policy and market conditions.

150 Charter Street, Redwood City



Website: <https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=98>

Developer:	LMT Home Corporation
Total Units:	72 for-sale units
BMR Units:	11 BMR units
Typology:	Multifamily residential
IHO Parameters:	
Requirement:	Mandatory
Min set-aside amount:	15% of total project units
Lowest Income:	30% AMI
Highest Income:	120% AMI
Term:	55 years
Types of development:	All types except ADUs.
Opt outs:	Off-site units, donate land, purchase existing units
Incentives:	Linkage/Impact Fee Waiver
Tenure Type:	Rental and for-sale

849 Veterans Blvd, Redwood City



Website: <https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=59>

Developer:	Sares Regis Group
Total Units:	83 for-rent units
BMR Units:	7 BMR units
Typology:	Multifamily apartments.
IHO Parameters:	
Requirement:	Mandatory
Min set-aside amount:	15% of total project units
Lowest Income:	30% AMI
Highest Income:	120% AMI
Term:	55 years
Types of development:	All types except ADUs.
Opt outs:	Off-site units, donate land, purchase existing units
Incentives:	Linkage/Impact Fee
Tenure Type:	Rental and for-sale

Greystar IV, Redwood City



Website: <https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=62>

Developer:	Greystar
Total Units:	350 units
BMR Units:	35 BMR units
Typology:	Multifamily apartment
IHO Parameters:	
Requirement:	Mandatory
Min set-aside amount:	15% of total project units
Lowest Income:	30% AMI
Highest Income:	120% AMI
Term:	55 years
Types of development:	All types except ADUs.
Opt outs:	Off-site units, donate land, purchase existing units
Incentives:	Linkage/Impact Fee Waiver
Tenure Type:	Rental and for-sale

401 S Norfolk St, San Mateo City



Website: <https://www.apartments.com/401-s-norfolk-st-san-mateo-ca/vlj4y2e/>

Developer:	Unknown
Total Units:	67 units
BMR Units:	7 BMR units.
Typology:	Multifamily apartments.
IHO Parameters:	
Requirement:	Mandatory
Min set-aside amount:	20% of total project units
Lowest Income:	50% AMI
Highest Income:	120% AMI
Term:	55 years
Types of development:	Unspecified.
Opt outs:	On-site units, off-site units, rehab-regulated units, in-lieu fee, donate land.
Incentives:	Density bonus, expedited permitting, fee reduction/waiver
Tenure Type:	Rental and for-sale

Montara, San Mateo



Website: <https://bridgehousing.com/properties/montara/>

Developer:	Bridge Housing
Total Units:	68 units
BMR Units:	68 BMR units
Typology:	Multifamily apartments.
IHO Parameters:	
Requirement:	Mandatory
Min set-aside amount:	20% of total project units
Lowest Income:	50% AMI
Highest Income:	120% AMI
Term:	55 years
Types of development:	Unspecified.
Opt outs:	On-site units, off-site units, rehab-regulated units, in-lieu fee, donate land.
Incentives:	Density bonus, expedited permitting, fee reduction/waiver
Tenure Type:	Rental and for-sale

801 Fassler, City of Pacifica



Website: <http://www.801fassleravenue.com/>

Developer:	Samir Sharma
Total Units:	24 units (6 buildings)
BMR Units:	4 BMR units
Typology:	Townhome
IHO Parameters:	
Requirement:	Mandatory
Min set-aside amount:	15% of total project units
Lowest Income:	50% AMI
Highest Income:	120% AMI
Term:	55 years
Types of development:	Condominium, single-family home, common interest developments, and mutual housing associations.
Opt outs:	On-site units, off-site units, in-lieu fee, donate land.
Incentives:	Density bonus, other zoning variance, fee reduction/waiver.
Tenure Type:	Rental and for-sale

Embark Apartments, 44762 Old Warm Springs Blvd, Fremont



Website: <https://www.apartments.com/embark-apartments-fremont-ca/c2hfn5g/>

Developer:	Fairfield Residential
Total Units:	422 for-rent units
BMR Units:	102 BMR units
Typology:	Multifamily apartment
IHO Parameters:	
Requirement:	Mandatory
Min set-aside amount:	10% of total project units
Lowest Income:	50% AMI
Highest Income:	110% AMI
Term:	55 years
Types of development:	Condominium, stock cooperative, community apartment, or attached or detached single-family home.
Opt outs:	On-site units, off-site units
Incentives:	Density bonus
Tenure Type:	Rental and for-sale

Projects in Environmental Review Stage in City of Pacifica

570 Crespi Drive, City of Pacifica

The 570 Crespi Drive Project (“Project”) would include development of one two-story mixed-use building (Building A) and two three-story residential buildings (Buildings B and C). The Project site would include the entirety of the 570 Crespi Drive parcel and a portion of the 540 Crespi Drive parcel. The Project would also include a condominium subdivision to create one commercial condominium and 19 residential condominiums. Building A would consist of 3,165 square feet (sf) of commercial space on the ground floor and three residential units on the second floor. Buildings B and C would be three stories each and would contain seven and nine townhomes, respectively, for a projectwide total of 19 units. The buildings would be constructed on the northernmost half of the site, while the southernmost half of the site would remain undisturbed. Construction of the project would require removal of at least two heritage trees, as defined in the Pacifica Municipal Code. Three of the units would be ownership Below Market Rate (BMR) units pursuant to the City’s Inclusionary Ordinance. In addition, the Project would involve off-site improvements, including construction of a new driveway and associated parking spaces within the northern portion of the existing Pacifica Community Center located immediately to the west at 540 Crespi Drive.

- 3 BMR units
- Still in EIR phase
- Confirmed IHO by contacting City of Pacifica

930 Oddstad Blvd, City of Pacifica

In response to the declining school-age population in the area, the Pacifica School District closed the former Oddstad Elementary School in 2005. Since then, the need for affordable housing options for the District’s current and future workforce has increased. The project proposes to demolish the existing, nonoperational elementary school in order to construct 70 residential units, 11 of which will be below-market-rate affordable housing units pursuant to the City of Pacifica Municipal Code, as well as community amenities and other site improvements such as landscaping and parking (Figure 3: Site Plan). To accommodate the proposed development, the project will amend the existing General Plan land use designation from Oddstad School to Low Density Residential, which allows for a density range of 3 to 9 dwelling units per acre. In addition, the site’s zoning designation will be amended from Single-Family Residential (R-1) to Planned Development District (P-D). Entitlements requested from the applicant include the following and are collectively referenced as File No. 2020-009:

- 10 BMR units
- Still in EIR phase
- Confirmed IHO by contacting City of Pacifica

Affordable Housing Strategic Plan Project Timeline

- 4/1/21: Subcommittee meeting recommended Council consider releasing Request for Proposal (RFP) for preparation of an affordable housing strategic plan.
- 5/6/21: City Council authorized release of RFP.
- 6/4/21: RFP released.
- 7/2/21: Five proposals received from BAE Urban Economics, ECONorthwest, Keyser Marston Associates, Michael Baker International, and Seifel Consulting Inc.
- 7/15/21: City Council authorized subcommittee to interview proposers and select successful vendor.
- 7/19/21: Interviews completed; ECONorthwest selected by subcommittee.
- 12/16/21: Planning Commission study session (combined with Housing Element)
- 3/3/22: City Council study session for feedback on affordable housing goals and objectives.
- 6/1/22: Subcommittee meeting to vet the goals and objectives from the March Council workshop, consider funding priorities for current fund balance (approximately \$4 million) and future funds, and review options for new revenue sources
- 6/22 to 2/23: Full time staff resources dedicated to drafting HE, which included policies directly related to the AHSP.
- 2/2/23: Council adopted 2023-2031 HE; staff work resumed on AHSP to ensure internal consistency with adopted HE policies implemented by the AHSP.
- 3/2/23: Council authorizes ECONW to update commercial nexus/feasibility study per adopted HE.
- 4/10/23: Subcommittee meets for status update on AHSP.
- 5/18/23: Amendments to adopted HE adopted by Council following staff consultation with HCD and recirculation of revised HE per State law. Final revisions to AHSP produced.
- 8/15/23: Draft AHSP published on City website.
- 8/31/23: Draft AHSP reviewed by subcommittee; subcommittee revisions recommended.
- 10/6/23: Revised AHSP posted on City website.
- 10/9/23: CMs Davis and Lentz provided direction on additional revisions to draft AHSP.
- 10/25/2023: Final revised draft AHSP published.



CITY COUNCIL AGENDA REPORT

Meeting Date: May 6, 2021

From: John Swiecki, Community Development Director

Subject: Initiating a Request for Proposal to Develop a Citywide Affordable Housing Strategic Plan

Community Goal/Result

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

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

Purpose

Initiate the process to develop an affordable housing strategic plan for the City of Brisbane.

Recommendation

That the City Council authorize the City Manager to prepare and release a Request for Proposals (RFP) to qualified consultants to prepare an affordable housing strategic plan and authorize the City Council Housing Subcommittee to make a recommendation for consultant selection to the full City Council.

Background

After the dissolution of Redevelopment Agencies by the State of California, cities in California lost a key funding source for the development and administration of affordable housing and other housing assistance programs. The City's remaining affordable housing funds, now housed within the Brisbane Housing Authority (BHA), largely result from sales of property with no on-going funding sources. Simultaneously, the development of affordable housing has been prioritized by the State of California in the eight-year Regional Housing Needs Allocation (RHNA) process for cities to address at a policy level the production of affordable housing. In Brisbane, the anticipated build out of 1,800-2,200 housing units as part of the Baylands Specific Plan presents unique opportunities for the development of affordable housing at a scale not achievable in Central Brisbane.

The City has no proactive affordable housing funding programs or priorities to address these various housing-related obligations and opportunities. On April 1, 2021 the Housing subcommittee (Council Members Davis and Lentz) discussed the need for the City to comprehensively and proactively manage its affordable housing obligations and opportunities, and recommended the City seek out a qualified consultant to develop an affordable housing strategic plan for the City.

Discussion

Key components of the desired strategic plan I include:

1. Identifying short and long term city management responsibilities associated with the existing and future legally restricted affordable housing and exploring options for administering these duties.

While the current stock of deed restricted units is relatively low, it will increase dramatically when the housing component of the Baylands develops and it is critical that these units are managed over time to ensure affordability requirements continue to be met.

2. Identify/evaluate project/programmatic options for utilizing the City's approximately \$4M balance affordable housing funds.

There are numerous ways to utilize low/mod housing funds, and it is important for the community and Housing Authority to understand the range of options and establish priorities that best fit Brisbane's needs. Potential options to be evaluated in the forthcoming strategic plan should include but not be limited to :

- **Subsidize Affordable Housing Projects:** Provide gap financing (loans or grants) for 100% affordable housing projects.
- **Homebuyer Assistance:** Provide down payment assistance (loans or grants) for low and moderate income households to buy market rate homes.
- **ADU Construction Grants:** Provide construction grants or loans for ADUs in return for affordability restrictions.
- **Renter Assistance:** Provide financial assistance for renters at risk of losing housing via an annual revolving fund.
- **At Risk Property Acquisition:** Acquisition of existing low/mod units to ensure they remain affordable and are not converted to market rate housing over time.

3. Develop affordable housing strategies for the Baylands

The Baylands offers a very different set of opportunities for establishing affordable housing than are present in the rest of Brisbane. It is critical that the City be proactive in developing an affordable housing strategy for the Baylands to ensure that it is well-defined in the specific plan and development agreement as appropriate.

4. Evaluate options to maintain a revenue stream for low/mod housing over time.

While the loss of redevelopment eliminated the primary on going source of local affordable housing funds, there are other potential sources which can be explored.

Next Steps

If authorized by the City Council, staff will work with the Council Housing Subcommittee to finalize the RFP. The Subcommittee would be involved in the consultant selection process and ultimately make a recommendation to the full City Council.

Fiscal Impact

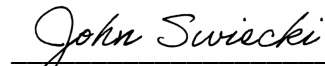
To be determined upon receipt of responses to RFP. A portion of the cost would be reimbursable under the City's existing reimbursement agreement with BDI for the Baylands Specific Plan and affordable housing funds can be used for the remainder.

Measure of Success

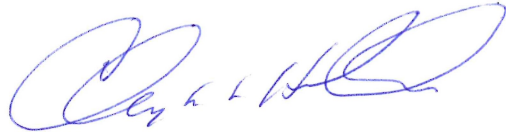
Development of a strategic plan for affordable housing plan that allows the City to identify on-going funding sources and prioritize investment in affordable housing programs that will have the highest benefit to the community.

Attachments

None.



John Swiecki, Community Development Director



Clay Holstine, City Manager



CITY COUNCIL AGENDA REPORT

Meeting Date: July 15, 2021

From: John Swiecki, Community Development Director

Subject: Affordable Housing Strategic Plan Request for Proposals and Consultant Selection

Community Goal/Result

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

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

Purpose

To develop an affordable housing strategic plan that will provide affordable housing policies and investment strategies tailored to the City's present and future affordable housing needs.

Recommendation

That the Council authorize the Housing Subcommittee to select the successful affordable housing consultant, and authorize the City Manager to negotiate and sign a professional services agreement with the successful consultant.

Background

At the May 6, 2021 City Council meeting, Council authorized the release of an RFP for qualified consultants to prepare an affordable housing strategic plan and authorized the City Council Housing Subcommittee (Council Members Davis and Lentz) to make a recommendation for consultant selection to the full City Council. The May 6, 2021 staff report is attached for reference.

The RFP (attached) was released on June 4, 2021, and proposals were received by the July 2, 2021 deadline from the following firms:

- BAE Urban Economics
- ECONorthwest
- Keyser Marston Associates
- Michael Baker International
- Seifel Consulting Inc.

Consultant interviews with the Housing Subcommittee are scheduled for the week of July 19, 2021.

Discussion

The Council will not meet again until September due to the summer break. Considering the importance of advancing the affordable housing strategic planning process in light of the upcoming Baylands Specific Plan process and the City's Housing Element update, staff recommends that the consultant selection and execution of a professional services agreement move forward in a timely manner based on the Housing Subcommittee's recommendation. The Subcommittee and staff will evaluate responsive proposals based on the consultant's expertise and translatable experience, understanding of the housing, financing, and planning context in Brisbane, budget, and overall vision and approach to the work.

Fiscal Impact

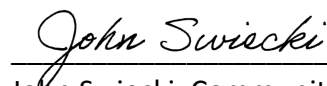
Proposed budgets in the proposals received range from approximately \$73,000 to \$180,000. There is approximately \$2 million available in the low and moderate income housing fund, which is anticipated to increase to approximately \$4 million when the Housing Authority's sale of the McLain property closes. Additionally, since much of the work scope is directly attributable to the Baylands, the City's reimbursement agreement with the Baylands developer (BDI) will enable some portion of the contract cost to be borne by the developer.

Measure of Success

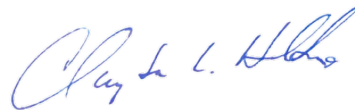
An affordable housing strategic plan prepared by a qualified consultant team that will identify the most efficient and effective affordable housing investment and planning strategies for Brisbane.

Attachments

1. [May 6, 2021 Council staff report](#) (hyperlink)
2. [Affordable Housing RFP](#) (hyperlink)



John Swiecki, Community Development Director



Clay Holstine, City Manager



CITY COUNCIL AGENDA REPORT

Meeting Date: March 3, 2022

From: Community Development Director

Subject: Affordable Housing Strategic Plan Goal Setting Workshop and Housing Element Update

Community Goal/Result

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

Purpose

To: 1) provide the City Council a status report regarding the ongoing Housing Element update; and 2) provide the City Council with an update on the Affordable Housing Strategic Plan (AHSP) and solicit Council feedback on affordable housing goals and objectives to further inform the development of the AHSP.

Recommendation

That the City Council provide input it deems appropriate for the AHSP.

Background/Discussion

Affordable Housing Strategic Plan

As authorized by the City Council in May 2021, the City selected consulting firm EcoNorthwest to prepare a citywide Affordable Housing Strategic Plan (AHSP). EcoNorthwest commenced work on the AHSP in August 2021.

As a reminder, the purpose of the AHSP is to focus the City's efforts to provide new affordable housing and protect existing affordable housing through the following actions:

1. Update and streamline the City's management of existing affordable housing units and programs to better manage existing and future affordable deed-restricted housing units.
2. Develop affordable housing strategies specifically for the Baylands.
3. Identify city-wide funding priorities for the City's affordable housing funds.
4. Evaluate options to create an ongoing revenue stream to fund affordable housing.
5. Review the City's affordable housing requirements in the zoning ordinance to make sure they are feasible, realistic, and will result in the greatest benefit to the community.

Additional background information and discussion points will be provided in tonight's presentation by EcoNorthwest.

The consultant team will be soliciting feedback from the council regarding strategy prioritization. Topics to be discussed may include:

- The appropriateness of linking affordable housing to commercial development
- Value capture strategies to support affordable housing
- Appropriate role of land use in supporting affordable housing
- The balance of resources dedicated to production, services, and support
- Discussion of housing need and populations served
- Location of affordable housing
- Discussion of the City's unique opportunities and challenges

Housing Element Update

Pursuant to state law, the City is required to update its Housing Element every 8 years. The Housing Element must be accepted by the State Department of Housing and Community Development (HCD) and adopted by the City Council by January 31, 2023. The Planning Commission is actively engaged in a series of workshops addressing various issues of concern that must be addressed in the Housing Element. Staff anticipates publication of a draft Housing Element in April 2022 allowing sufficient time for Planning Commission and City Council review along with multiple reviews by HCD.

While the Housing Element has numerous mandatory requirements, a critical component is to identify adequate sites to meet the City's "fair share" of the region's housing need as established in the City's Regional Housing Needs Allocation (RHNA). On February 24, the Planning Commission discussed the lack of capacity in the City's existing zoning to accommodate the RHNA and the need to rezone sites to make up for the shortfall (see table below),

City of Brisbane RHNA 2023-2031
Housing Units and Existing Zoning Shortfall by Income Categories

	Very Low	Low	Moderate	Above Moderate (Market Rate)	Totals
RHNA Housing Units by Existing Zoning	254	16	44	129	429
RHNA +20%**	380	220	364	942	1,906
Shortfall for Rezoning	126	204	320	818	1,477

** 15-30% buffer recommended by HCD. See February 10th PC workshop report for further details.

To address this shortfall, staff has preliminarily identified several sites that might be considered for rezoning. These sites were presented for consideration by the community at large via an online simulation tool called "Balance Brisbane," which was open from December to February and allowed participants to design their own proposal for rezoning to meet the City's RHNA.

Results of the Balance simulation can be viewed in the February 24, 2022 Planning Commission agenda report, an excerpt of which is included as an attachment to this report. Most notably, adoption of a specific plan for the Baylands with a residential yield within the range permitted under the General Plan (1800-2200 units) would satisfy the City's RHNA.

State law obligates the City to complete rezonings to satisfy the RHNA by either January 31, 2024 or January 31, 2026 depending on whether or not the City adopts the Housing Element by the state- mandated deadline.

Attachments

1. Excerpt from February 24, 2022 Planning Commission agenda report regarding Balance Brisbane results

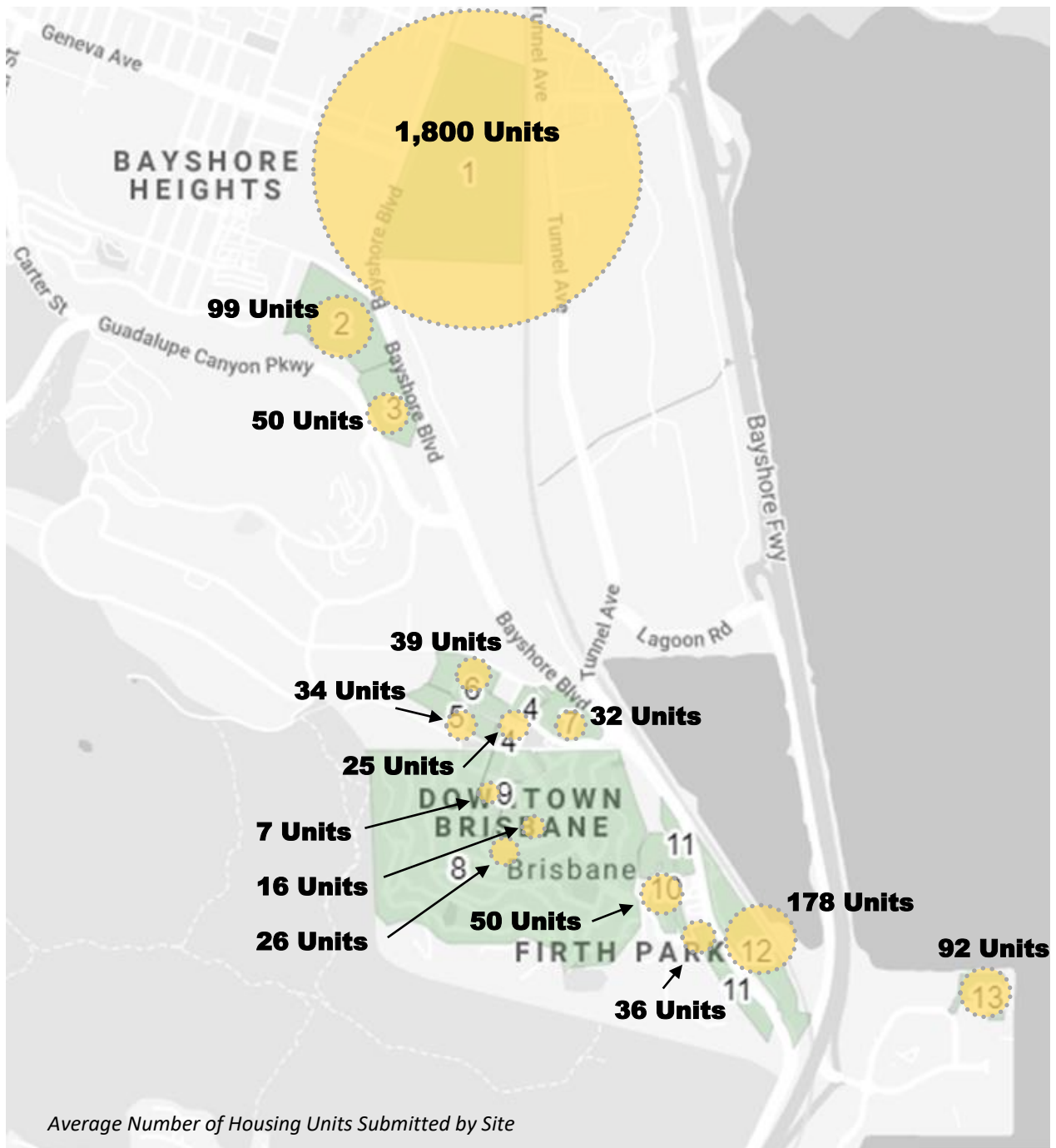


John Swiecki, Community Development Director

Clayton L..Holstine

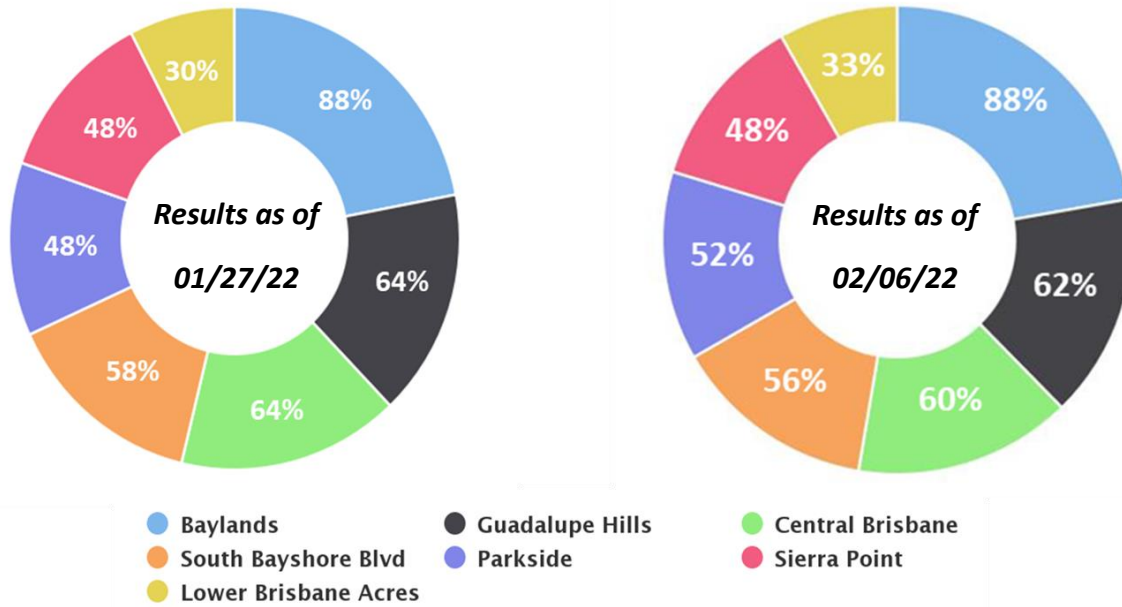
Clay Holstine, City Manager

BALANCE BRISBANE

**Key:**

- | | | |
|-------------------------------|---|---|
| 1. Baylands (Northwest) | 5. Parkside PAOZ-2 (Parkside) | 10. Lower Thomas Hill (Lower Acres) |
| 2. Levinson (Guadalupe Hills) | 6. Parkside PAOZ-2 Extension (Parkside) | 11. Southwest Bayshore (SW) |
| 3. Peking (Guadalupe Hills) | 7. Parkside PAOZ-3 (Parkside) | 12. Southeast Bayshore (SE)
aka Former VWR |
| 4. Parkside PAOZ-1 (Parkside) | 8. Central Brisbane (SFD/MFD/ADU) | 13. Marina (Sierra Point) |
| | 9. Visitation Ave (Central Brisbane) | |

Figure 1: Percentage of submissions that identified housing by planning area in January and at close.

PERCENTAGE OF SUBAREAS IDENTIFIED FOR HOUSING BY SUBMISSION

However, while the submissions showed participants indicated housing could be accommodated within multiple planning areas throughout the City, the quantities of housing units they submitted, excluding those on the Baylands, was fairly low. Figure 2 illustrates the average number of housing units allocated by site. The Baylands received by and far the most average number of housing units. This is in part because [Measure JJ](#) allows between 1,800 and

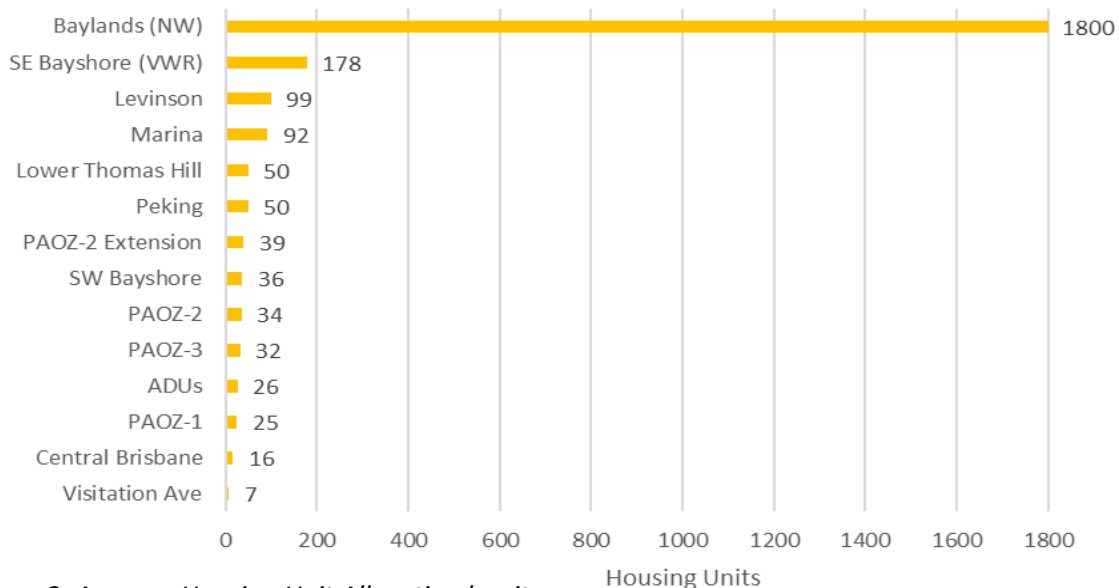
AVERAGE HOUSING UNIT ALLOCATION BY SITE

Figure 2: Average Housing Unit Allocation by site.

File Attachments for Item:

H. Consider Introduction of the Dark Sky Ordinance, waiving first reading, adding Chapter 15.88 Outdoor Lighting Standards to the Brisbane Municipal Code

(This Ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA) because it is not a project (CEQA Guidelines, §15378 (b) (2)). As proposed, the ordinance will result in required changes to streetlights and other public facilities within fifteen (15) years of the effective date, with an estimated cost upwards of \$1M. Additional implementation costs may include equipment and training for police officers. Staff proposes to create a program to systematically make updates over time.)



CITY COUNCIL AGENDA REPORT

Meeting Date: November 16, 2023

From: Adrienne Etherton, Sustainability Manager

Subject: Dark Sky Ordinance

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

Community Goal/Result

Ecological Sustainability; Community Building; Safe Community

Purpose

To protect and enhance the local environment and public health by reducing light pollution at night through reasonable restrictions on outdoor lighting.

Recommendation

Introduce the Dark Sky Ordinance, waiving first reading, adding Chapter 15.88 Outdoor Lighting Standards to the Brisbane Municipal Code.

Background

Growing evidence in recent years has recognized the significant negative impact of artificial light at night on ecosystems and human health. As LED lighting has decreased in cost and grown in popularity, increased use has contributed to over-lighting that wastes energy, interrupts the sleep of neighbors, and disrupts the habits of pollinators, migratory birds and other species.

Brisbane's Open Space and Ecology Committee (OSEC) has had this on their annual workplan since 2018. Beginning in 2021, an OSEC subcommittee and Sustainability and Planning staff collaborated to evaluate priorities for the ordinance and appropriate standards.

In February 2023, City Council liaisons O'Connell and Mackin joined OSEC to discuss whether the City should pursue International Dark Sky Community certification. Due to the strict requirements of certification and Brisbane's surroundings in a heavily urbanized area, direction was provided to bring forth an ordinance customized to the local context.

John Barentine of Dark Sky Consulting was engaged to review an initial draft of the ordinance. Barentine recommended modifications and helped establish quantitative standards to ensure the ordinance would reduce the impacts on local environmental and public health while providing the lighting necessary to ensure community safety and security. The draft ordinance was reviewed by Public Works, Community Development, Police, Fire, and Code Enforcement staff, and legal counsel.

In September, staff and the subcommittee released a community survey to collect feedback on the proposed ordinance; 173 responses were received with the overwhelming majority from local residents. As you can see in the summary in Attachment 4, most respondents were

supportive of the proposed rules and felt that outdoor lighting at night in Brisbane is a problem, while a vocal minority were opposed or felt it would not make a difference.

OSEC reviewed the ordinance at their October meeting and with a minor modification related to regulation of the Brisbane STARS, voted unanimously to recommend the ordinance for City Council consideration. After OSEC's review, staff noticed the omission of the C/PU zoning district from section 15.88.050, and the need for clarification on lighting exempted from shielding or broader compliance with the ordinance being exempt from the prohibition on light trespass. These changes have been added in redline in the attached draft.

Discussion

Outdoor lighting is crucial for safety and security and is effective when light is used when and where needed; light that is directed into the sky, beyond the property on which it is being used, or in areas not in use is a waste of energy and detrimental to neighbors and the nocturnal environment. The ordinance focuses on a few key strategies to reduce problematic lighting:

1. Shielding: most outdoor light fixtures are required to be fully shielded, that is, physically covering the light source so that light is only emitted downward. Exceptions include low-intensity string lights, seasonal lighting, and lighting of a US or CA flag.
2. Light trespass: the light source (i.e. bulb) cannot be visible offsite of the property.
3. Color temperature: the "correlated color temperature" of outdoor lighting, except seasonal or other exempted lighting, shall be 3000 Kelvin or less, which is a "warmer" yellow light as opposed to "cooler" blue light hues that mimic daylight.
4. Curfews and other lighting controls: most outdoor lighting should be off after 10pm or close of business, whichever is later. Lighting activated by motion sensor which extinguishes ten minutes after activation and lighting at building entrances, parking areas and driveways (residential), or driveway egress points (commercial) is not subject to curfew. Commercial uses shall utilize automated control systems such as motion sensors, timers and/or photocells which are programmable and have battery backup.
5. Sitewide illumination limits which vary by zoning district: The ordinance limits the total illumination, measured in lumens, generated by all exterior lighting on a given property. Maximum illumination limits vary by district and land use, and are based on either the developed lot area (roughly equivalent to the lot coverage) for residential uses or area of hardscape (i.e., driveways, parking lots, patios) for commercial uses. Limits are tailored to the land use, with allowable illumination in Open Space areas only ten percent of those in commercial zones.

In addition, the ordinance exempts or has limited requirements over certain lighting types:

- Exempt: Low-intensity landscape lighting, indoor lighting, combustible fuel lighting when used temporarily in occupied areas, fire alarm notification devices, and any form of lighting regulated by authorities above the City (i.e. school districts, federal agencies such as the Coast Guard). Address lighting, temporary emergency or construction lighting, or temporary lighting not subject to city permitting are exempt but shall be deployed to comply to the greatest practical extent with the ordinance.

- Curfew Only: Brisbane Stars and seasonal/holiday lighting, with seasonal lighting limited to Oct 1 – Feb 15.
- Streetlights: are not subject to curfew and light trespass; acorn-style decorative lights are exempt from shielding until an approved replacement program is in place; a maximum brightness level is established; and all lamps will be replaced upon burnout to meet ordinance standards.
- Recreational and Athletic Fields: shall meet appropriate Illuminating Engineering Society standards and include timers to prevent lights being left on accidentally.

Compliance is addressed across various timelines depending on difficulty:

- All new or replaced outdoor lighting after the effective date shall comply. Planning and building application requirements will be modified to include lighting inventories and other details to demonstrate compliance with the ordinance.
- Within one year of the effective date of the ordinance, all existing outdoor lights (except streetlights) shall make the “easy fixes”: directing lighting downward if possible, adjusting dimmers and motion timers to comply where lighting is equipped with them, and replacing bulbs to meet color and lumen thresholds when they are replaceable.
- More extensive changes, such as replacement of fixtures, shall be completed within:
 - Five (5) years for non-residential zones;
 - Ten (10) years for residential zones;
 - Fifteen (15) years for streetlights and other City facilities.
 - Extensions for financial or other hardship up to one year may be requested.
- Deviations may be approved for unique circumstances and shall achieve the intent of the ordinance to the maximum extent feasible. Decisions shall be noticed publicly and to property owners within a 300’ radius and are appealable to the City Manager.
- Enforcement would be complaint-based and subject to the City’s regular Administrative Citation process.

Altogether, the proposed standards attempt to balance lighting needs for safety, security and outdoor activities while eliminating or reducing lighting that doesn’t serve a useful purpose. The compliance timelines intend to provide property owners ample opportunity to make changes as existing lighting burns out or is otherwise due for replacement and limit the financial burden. Staff and the OSEC dark sky subcommittee expect to embark on an extensive education and outreach campaign to bring awareness to the problem of light pollution and the regulations. In addition, if the Council advises, a program to support conversions among those with financial hardship could be proposed for consideration with the next fiscal year budget; such a program was recommended by some survey respondents.

Fiscal Impact

As proposed, the ordinance will result in required changes to streetlights and other public facilities within fifteen (15) years of the effective date, with an estimated cost upwards of \$1M. Staff proposes to create a program to systematically make updates over time, spreading the cost out, with priority for areas deemed most problematic. This program will be subject to Council’s approval for funding.

Additional implementation costs may include equipment and training for police officers.

Should the City Council wish to consider a program for those with financial hardship, those additional costs could be considered within the annual budget.

Measure of Success

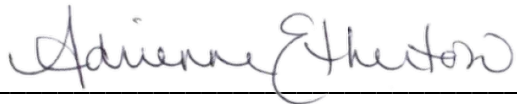
Adoption of the Dark Sky Ordinance leads to reduced local light pollution and energy waste.

Environmental Review

Adoption of this ordinance does not need further environmental review under the California Environmental Quality Act (CEQA) as it is general policy and procedure making not applied to a specific instance and therefore it is not a “project” (California Code of Regulations, Title 14, Division 6, Chapter 3, Article 20, §15378 (b) (2)).

Attachments

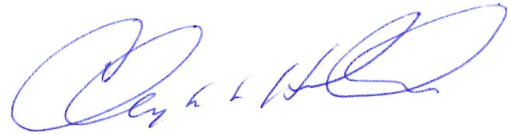
1. Draft Dark Sky Ordinance
2. Sample educational ordinance summary
3. Map of proposed overall light allowances
4. Results of community survey



Adrienne Etherton, Sustainability Manager



Randy Breault, Public Works Director



Clay Holstine, City Manager

ORDINANCE NO. xxx

**AN ORDINANCE OF THE CITY OF BRISBANE
ADDING CHAPTER 15.88 TO THE BRISBANE MUNICIPAL CODE
CONCERNING OUTDOOR LIGHTING STANDARDS**

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

SECTION 1: Chapter 15.88 is hereby added to the Brisbane Municipal Code to read as follows:

§15.88.010 - Title.

This chapter shall be known as the “Brisbane Dark Sky Ordinance.”

§15.88.020 - Purpose.

The purpose of this chapter is to establish regulations and a process to review outdoor lighting in order to accomplish the following:

- A. Minimize direct glare and prevent excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned light fixtures, and promoting common courtesy among neighbors;
- B. Reclaim views of the night sky and thereby help preserve Brisbane’s rural quality of life and the scenic value of this desirable visual resource;
- C. Promote wildlife habitation and migration by minimizing light pollution;
- D. Provide sufficient lighting where it is needed to promote safety and security on public and private property;
- E. Allow flexibility in the style of outdoor lighting;
- F. Provide standards for efficient and moderate use of lighting which balance energy use and economic impact;
- G. Provide lighting standards that may evolve according to advancements in technology; and
- H. Promote lighting practices and systems which conserve energy, decrease dependence on fossil fuels and limit greenhouse gas emissions consistent with the California Global Warming Solutions Act and other applicable state and federal law.

§15.88.030 - Definitions.

Notwithstanding the definitions in Chapter 17.02 of this Code, for purposes of this chapter only, the following words and phrases are defined as follows:

- A. “Brisbane Stars” mean outdoor star-shaped lighted structures customary to Brisbane.
- B. “Correlated Color Temperature” or Color Temperature is a specification of the color appearance of the light emitted by a light source, measured in Kelvin (K). Warmer color temperatures are a lower number, and cooler color temperatures are a higher number.

- C. “Curfew” means the time of day when lighting restrictions, based on zoning district, are in effect.
- D. “Developed lot area” means the portion of a lot that is covered or occupied by structures and includes any finished surface, such as a slab or deck, which is covered by a roof or other solid covering with at least seven (7) feet of clearance, other than an eave or overhang, and includes also cantilevered bays and other enclosed architectural projections which contain floor or seating area.
- E. “Directional lighting” means methods of directing light downward, rather than upward or outward, with the intention of directing light where it is needed.
- F. “Dynamic lighting” means lighting that changes intensity or color rapidly during use.
- G. “Fully shielded” means a light fixture constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane (from the bottom of the lamp).
- H. “Glare” means light entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort or reduced visibility to a reasonable person.
- I. “Hardscaping” means permanent hardscape improvements on a site, including but not limited to parking lots, decks and patios, docks and piers, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscaping that is ten (10) feet or less in width. Materials may include but are not limited to concrete, asphalt, stone, gravel, or wood timbers. Hardscaping does not include the footprint of buildings.
- J. “Lamp” means, in generic terms, a source of optical radiation (i.e., “light”), often called a “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.
- K. “Light pollution” means the material adverse effect of artificial light, including, but not limited to, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts on the nocturnal environment, including light sources that are left on when they no longer serve a useful function.
- L. “Light trespass” means a condition in which artificial light emitted from a luminaire on one property, not inclusive of light incidentally scattered or reflected from adjacent surfaces, is directed in such a manner that the light source is visible from any other property.
- M. “Lumen” means the common unit of measure used to quantify the amount of visible light produced by a lamp or emitted from a light fixture (as distinct from “Watt,” a measure of power consumption).
- N. “Luminaires” means outdoor light fixtures as defined in this Section.
- O. “Outdoor light fixtures” means outdoor illuminating devices, lamps and similar devices, including solar powered lights, and all parts used to distribute the light and/or protect the lamp, permanently installed or portable; synonymous with “luminaires.”

- P. “Outdoor recreational facility” means outdoor athletic and sports areas, such as ball fields, courts, swimming pools, skate parks and similar, but does not mean or include trails or playgrounds.
- Q. “Seasonal lighting” means lighting installed and operated in connection with holidays or traditions; Brisbane Stars are considered separately for the purposes of this chapter.
- R. “Security lighting” means lighting intended to detect intrusions or other criminal activity occurring on a property or site.
- S. “Skyglow” means the brightening of the nighttime sky that results from scattering and reflection of artificial light by air molecules, moisture, and dust particles in the atmosphere, caused by light directed or reflected upwards or sideways and reduces one’s ability to view the night sky.
- T. “String lights” means light sources connected by free-strung wires or inside of tubing resulting in several or many points of light.

§15.88.040 - Applicability.

- A. All existing outdoor light fixtures installed prior to the effective date of this ordinance shall conform to the provisions of this ordinance according to the compliance schedule set forth in Section 15.88.100.
- B. All outdoor light fixtures installed or replaced after the effective date of this ordinance shall comply with this chapter.
- C. For any property subject to this chapter and also regulated by permit conditions pertaining to outdoor lighting, the more restrictive provisions in terms of minimizing light pollution shall apply.
- D. Nothing in this chapter shall prohibit a declaration of covenants, conditions, and restrictions for private enforcement from further restricting lighting so long as it meets the minimum standards detailed in this chapter.
- E. The following lighting and activities are not regulated by this chapter:
 - 1. Indoor lighting.
 - 2. Construction or emergency lighting provided such lighting is temporary, necessary, and is discontinued immediately upon completion of the construction work or termination of the emergency; provided, however, construction or emergency lighting shall be deployed to comply with the ordinance to the greatest practical extent.
 - 3. Building or premises address identification lighting that complies with the minimum applicable building or health and safety requirements, as determined by the Building Official; provided however, such lighting shall be deployed to comply with this ordinance to the greatest practical extent, with the exception of curfew requirements.
 - 4. Low-intensity landscape lighting which is directed downward and no greater than 300 lumens per fixture; or low-intensity landscape lighting which is dynamic lighting and no more than 100 lumens per fixture.
 - 5. Any form of lighting whose use preempts this ordinance is exempt from this Chapter.

6. Short-term lighting associated with activities that are otherwise exempt from discretionary or ministerial permitting by the City; provided, however, such lighting shall be deployed to comply with this ordinance to the greatest extent practical.
 7. Brisbane School District athletic fields and parking lot lights.
 8. Combustible fuel lighting (i.e., fire pits, lanterns, or torches) when used temporarily in occupied areas.
 9. Fire alarm notification appliances.
- F. Brisbane Stars are subject only to the curfew requirements of 15.88.050.
- G. Streetlights only as covered under 15.88.070.
- H. Recreational and athletic fields only as covered under 15.88.080.

§15.88.050 - Lighting levels by zoning district.

Zoning District	Lumens per SF of hardscape	Lumens per SF of developed lot area	Curfew	
			Residential	Commercial
O-S	0.35		One hour after sunset	N/A
MLB, R-BA	0.875		10 PM ¹	
NCRO-2, PAOZ-1, PAOZ-2, PD (residential uses only), R-1, R-2, R-3, R-MHP		1.75	10 PM ¹	10 PM or close of business, whichever is later ²
NCRO-1, SCRO-1, SP-CRO, HC, M-1, TC-1, TC-2, <u>C/PU</u>	3.5		10 PM ¹	10 PM or close of business, whichever is later ²
All other zoning districts and uses not named	Determined at time of application or closest applicable district as determined by the Community Development Director			
¹ Lighting activated by motion sensor which extinguishes ten (10) minutes after activation and lighting at building entrances, parking areas and driveways is not subject to curfew.				
² Includes illuminated signage. Lighting activated by motion sensor which extinguishes ten (10) minutes after activation, lighting at the building entrances and driveway egress points is not subject to curfew.				

§15.88.060 - Citywide requirements.

- A. Shielding.

1. Except as provided in paragraph 2 of this subsection A of this section, all outdoor light fixtures shall be fully shielded.
2. Exceptions to the full shielding requirement include:
 - a. String lights that are no more than 300 lumens per fixture (string), or no more than 100 lumens per fixture for dynamic lighting that changes intensity or color rapidly during use, when used in occupied residential and commercial decks or patios.
 - b. Seasonal lighting during the period specified in §15.88.060.F.
 - c. Lighting that illuminates a United States or California flag and the flagpole to which the flag is affixed, provided these luminaires shall be shielded as necessary so that the light source is not visible from the property line.
- B. Light trespass is prohibited, except for fixtures exempted from this ordinance or from shielding requirements in subsection 15.88.060.A of this section.
- C. Location of Outdoor Lighting. Except as required for security lighting purposes as determined by the Building Official, the following limitations are imposed on the location of outdoor lighting:
 1. Lighting around the perimeter of a site is prohibited, except where it is controlled by motion sensor which extinguishes the light no later than ten (10) minutes after activation.
 2. For residential sites, outdoor lighting shall only be used within fifty (50) feet of residentially habitable buildings or swimming pools, driveways and walkways.
- D. Lighting Color (Color Temperature). The correlated color temperature of all outdoor lighting shall be three thousand (3,000) Kelvin or less except for seasonal lighting.
- E. Curfew. Curfews shall be as required per Section 15.88.050 of this Chapter.
 1. Commercial uses: Automated control systems, such as motion sensors and timers, shall be used to meet the curfew requirements for commercial uses. Photocells or photocontrols shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available. Automated controls shall be fully programmable and supported by battery or similar backup.
- F. Seasonal lighting shall be allowed from October 1 to February 15 only, subject to curfew requirements established in Section 15.88.050.
- G. All outdoor lighting shall comply with applicable regulations in the California Building Standards Code, as may be amended from time to time.

§15.88.070 – Streetlights

- A. Publicly-owned acorn-style decorative lights, such as those on Visitacion Avenue and in the Ridge neighborhood, are not subject to the shielding requirements of subsection A of §15.88.050 until such time as an approved program for replacement of said lights is in place. Once that program is in place, replacement lights shall be fully shielded.
- B. The lumen output of each streetlight shall be the lowest reasonable lumen output to meet safety standards but in no case greater than 10,000 lumens.
- C. Lamps in all streetlights shall be replaced upon burnout with lamps which meet the color temperature and lumen requirements of this chapter.

§15.88.080 - Recreational and Athletic Field Facilities

For outdoor recreational and/or athletic field facilities, the following standards shall apply:

- A. Illuminating Engineering Society (IES) lighting guidelines according to the appropriate class of play or activity;
- B. Field lighting provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications;
- C. Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance);
- D. Off-site impacts of the lighting will be limited to the greatest practical extent possible;
- E. Lights must be extinguished by 8 p.m. except when the facilities are being used for active play and the lights are equipped with a timer;
- F. Timers that automatically extinguish lights must be installed to prevent lights being left on accidentally overnight.

§15.88.090 - Deviation Permit Procedures.

- A. Deviations from the lighting standards provided in this chapter may be approved for private properties if approved by the Community Development Director. Deviations from the lighting standards provided in this chapter may be approved by the Director of Public Works.
- B. Applications to deviate from the lighting standards shall include the following information:
 - 1. A site plan depicting the location of proposed lighting on the site;
 - 2. A lighting inventory that provides, at minimum:
 - a. The brightness (in lumens) and correlated color temperature (in Kelvin) of each luminaire;
 - b. The height of each fixture;
 - c. The directional angle of each fixture;
 - d. The character of shielding for each luminaire, if any;
 - e. Identification of luminaires that diverge from the standards of this Chapter and are subject to the deviation request;
 - f. Detailed description of the circumstances which necessitate the deviation;
 - 3. Such other data and information as may be required by the Community Development Director or the Public Works Director.
- C. The deviation may be granted if the following findings are made:
 - 1. There are unique circumstances affecting the subject property or unique design and land use characteristics that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this chapter.
 - 2. The proposed deviation will achieve the intent of this chapter to the maximum extent feasible.
- D. Notice of the Community Development or Public Works Director's decision to approve or deny the requested deviation shall be mailed to owners of property within a three hundred (300) foot radius of the subject property and posted in compliance with Chapter 1.12 of this

Municipal Code. The notice shall describe the requested deviations, the Community Development Director's action to approve or deny the request, and right to appeal the decision to the City Manager pursuant to subsection E of Section 15.88.090.

E. Appeal Procedures.

- a. An appeal of the Community Development Director's decision shall be in writing and filed with the City Clerk within fifteen (15) days after the date of the notice described in subsection D of Section 15.88.090. The appeal shall be accompanied by a fee, as set by the city council, and shall clearly state the reason for appeal.
- b. Upon receipt of such appeal, the City Clerk shall notify the Community Development Director and the applicant and shall set a time for an administrative appeal hearing with the City Manager as soon as practical but within thirty (30) days after the receipt of such appeal.
- c. Notice of the appeal hearing shall be mailed to the applicant, property owner, appellant, and owners of property within three hundred (300) feet of the subject property.
- d. The City Manager shall conduct a de novo hearing of the application. At the close of the hearing, the City Manager may affirm, reverse or modify the decision of the Director, or refer the matter to the Director for such further consideration as may be directed by the City Manager. The City Manager's decision following the appeal hearing will be final.

§15.88.100 - Conflicts with other laws.

In the event the provisions in this chapter conflict with federal or state law such that this Chapter may be preempted, this chapter shall be applied in a manner intended to carry out all provisions of law to the maximum extent feasible. When there is an irreconcilable conflict between the provisions of this chapter and the requirements of federal or state law such that the provisions of this Chapter are preempted, the provisions of federal or state law shall prevail over the provisions contained in this chapter but only to the extent necessary to avoid preemption.

§15.88.110 - Application of chapter to existing nonconforming lighting.

- A. Effective Date. The effective date of this chapter shall be TBD, 2023.
- B. The following requirements shall apply to existing outdoor light fixtures, except streetlights covered in §15.88.070, within one year of the effective date of this ordinance:
 1. Existing outdoor light fixtures with the ability to be redirected shall be directed downward to minimize sky glow, glare and in a manner to minimize light trespass onto adjacent properties.
 2. Outdoor light fixtures that have adjustable dimmers shall be dimmed to comply with Section 15.88.060 to minimize glare and light trespass onto adjacent properties.
 3. Outdoor light fixtures that are motion sensor equipped shall be programmed to extinguish not more than 10 minutes after activation.
 4. Outdoor light fixtures with removeable lamps shall utilize bulbs meeting this chapter's color and lumen thresholds.

- C. Compliance Period. Notwithstanding the provisions in section B of this Section and Chapter 17.38 (Nonconforming Structures and Uses), a property owner shall comply with the remaining requirements of this chapter by the following compliance deadlines. Any nonconforming lighting still in place after the compliance deadline shall remain extinguished at all times.
1. Existing outdoor lighting in non-residential zoning districts shall comply by **TBD, 2028** [five years from the effective date].
 2. Existing outdoor lighting in residential zoning districts shall comply by **TBD, 2033** [ten years from the effective date].
 3. Existing streetlights and other lighting at City facilities shall comply by **TBD, 2038** [fifteen years from the effective date].
- D. Extension. A private property owner may apply for an extension of these compliance deadlines by submitting a request to the Community Development Director ninety (90) days before the compliance deadline detailing why an extension is needed. With the exception of lighting provided for security purposes, any noncompliant lighting shall remain extinguished while the request is pending. Upon demonstration of good cause for providing a property owner additional time to comply with the requirements of this section, the Community Development Director may extend the property owner's time to comply and/or may require a plan for compliance that requires partial compliance in advance of full compliance. For purposes of this section, the term "good cause" shall mean a significant financial or other hardship which warrants an extension or conditional extension of the time limit for compliance established herein. In no instance shall the Community Development Director issue an extension of the compliance period in excess of one year's time. The Community Development Director's decision shall be appealable pursuant to the provisions of Chapter 17.52. of this Code

§15.88.120 - Enforcement and penalties.

Any violation of the provisions of this chapter shall be subject to the provisions of Title 1 Chapters 1.14, 1.16, and 1.18 of this code.



CITY OF BRISBANE
 Community Development Department
 50 Park Place
 Brisbane, California 94005-1310
 (415) 508-2120

CITY OF BRISBANE OUTDOOR LIGHTING REGULATIONS

Starting November __, 2023, if you are replacing or installing new outdoor lighting on your property you will need to make sure that the bulbs and fixtures comply with new regulations that control the brightness, color, and other characteristics of outdoor lighting. This handout breaks down the basics of Ordinance XXX (BMC Chapter 15.88). Contact the Community Development Department with questions or for more information.

EFFECTIVE DATES

New or replacement lighting: Requirements effective starting November __, 2023

Existing lighting:

- Commercial properties: Must be upgraded by November __, 2028
- Residential properties: Must be upgraded by November __, 2033

Exceptions to these deadlines for existing outdoor lighting may be requested in writing up to 90 days before the deadline for financial hardships. Existing lighting that does not comply with the ordinance by the deadline must be turned off if it is not replaced with compliant lighting.

→ **IS MY LIGHTING EXEMPT FROM REGULATIONS?** Exempt lighting includes:

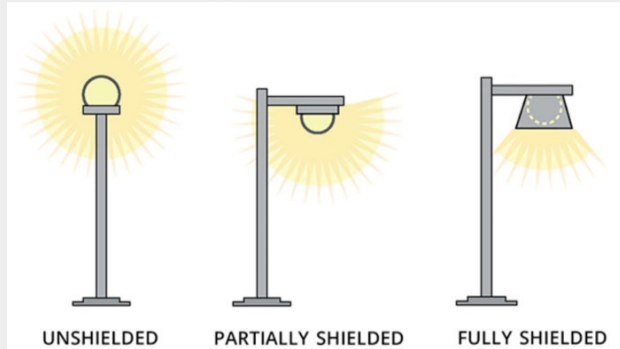
1. *Indoor lighting.* The new regulations apply ONLY to outdoor lighting.
2. *Temporary construction or emergency lighting.* Construction hours set forth in Chapter 8.28 of the BMC still apply.
3. *Address identification lighting that complies with the Building Code.*
4. *Low-intensity landscape lighting.* This includes landscape lighting that emits no more than 300 lumens per fixture, or 100 lumens per fixture for dynamic lighting. Lighting must be pointed downward.
5. *Combustible fuel lighting.* This includes fire pits, lanterns, or torches when used temporarily in occupied areas.

→ **WHAT ABOUT BRISBANE STARS?** Brisbane Stars are subject only to curfew requirements.

→ **MY LIGHTING ISN'T EXEMPT:** Non-exempt outdoor lighting must comply with the following standards:

SHIELDING

All outdoor lighting must be fully shielded; that is, the bulb or light source must be shielded by an opaque covering.



Shielding exemptions:

- String lights (max. 300 lumens per string) when used in occupied decks or patios.
- Dynamic lights (max. 100 lumens per fixture) when used in occupied residential and commercial decks or patios.
- Seasonal lighting.
- US or CA flag lighting (partial shielding required).

LIGHTING LOCATION

All properties: Lighting at the property line must be controlled by motion sensor that extinguishes lights 10 minutes or less after activation.

Residential: Outdoor lighting can only be used within 50 feet of residentially habitable buildings or swimming pools, driveways and walkways.

LIGHT TRESPASS

Unless exempt from the ordinance or from the shielding requirements in the ordinance, no light source (e.g., light bulb) may be directly visible from off-site.

CURFEW

Residential: 10 PM

Commercial: 10 PM or close of business, whichever is later.

Automated control systems (photocells, motion sensors, timers, etc.) must be employed at commercial properties.

Curfew exemptions:

- Lighting activated by motion sensor which extinguishes 10 minutes after activation
- Lighting at building entrances, parking areas and driveways

LIGHTING COLOR

The correlated color temperature (CCT) of outdoor lights must be 3,000 Kelvin or less.

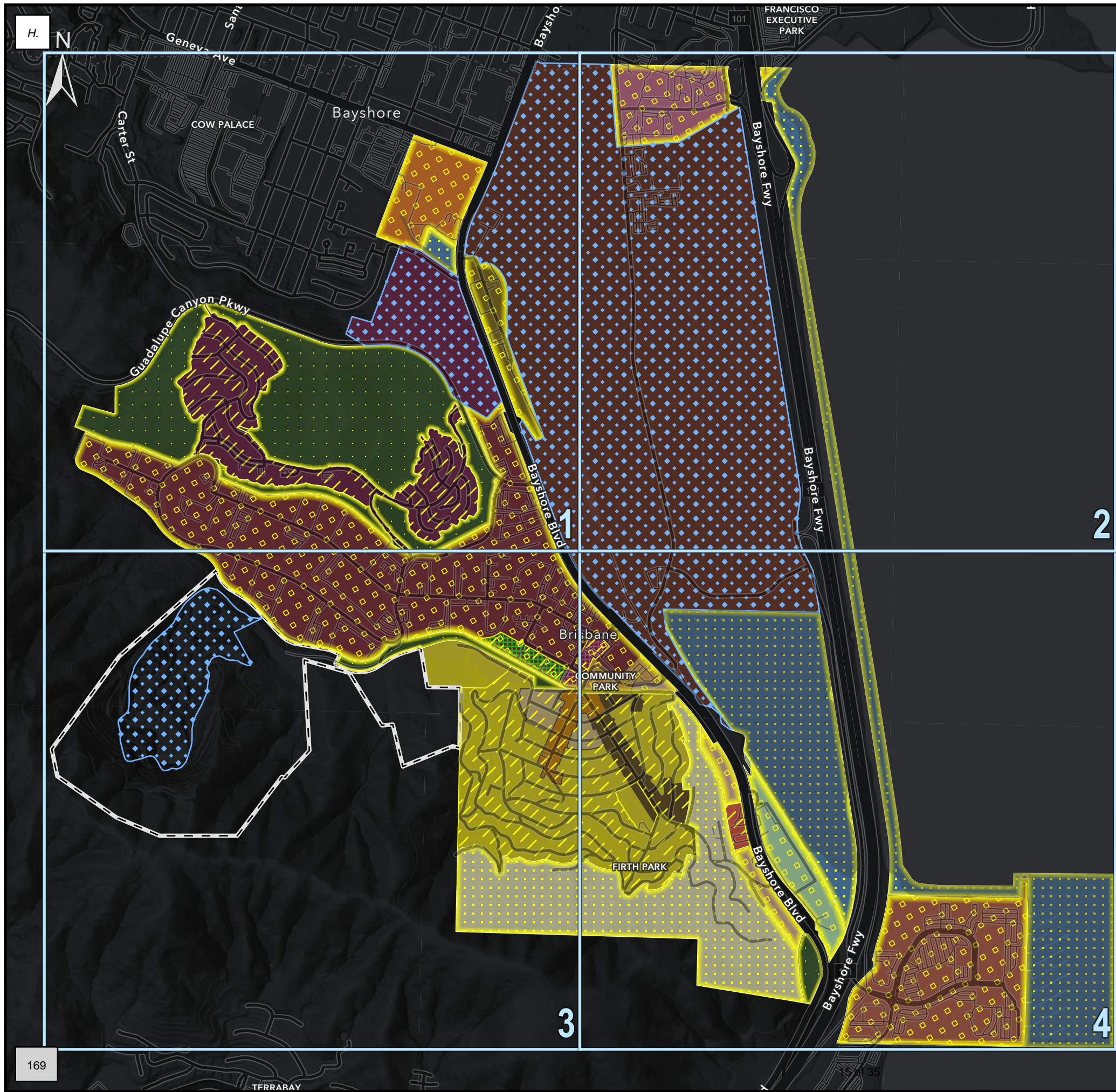
Light color exemptions: Seasonal lighting

SEASONAL LIGHTING

Seasonal lighting may only be illuminated October 1 to February 15 and must comply with curfew requirements.

→ WHAT IF I CAN'T COMPLY?

The Community Development Director or City Engineer can approve requests for deviations from the outdoor lighting standards if there are unique circumstances affecting your property or unique design and land use characteristics that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this chapter.



Proposed Property Illumination Maximums

Lumens per Sq Ft of hardscape

- 0.35 Lumens
- 0.875 Lumens
- 3.5 Lumens

Lumens per Sq Ft of developed lot area

- 1.75 Lumens
- Lighting Levels TBD

Brisbane Zoning Districts

- R-BA Brisbane Acres Residential District
- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- NCRO-1 Brisbane Village Neighborhood Commercial District
- NCRO-2 Downtown Brisbane Neighborhood Commercial District
- SCRO-1 Southwest Bayshore Commercial District
- SP-CRO Sierra Point Commercial District
- TC-1 Crocker Park Trade Commercial
- C-1 Commercial Mixed-Use District
- HC Heavy Commercial
- PD Planned Development District
- M-1 Manufacturing District
- MLB Marsh Lagoon Bayfront District
- O-S Open Space District
- TC-2 Southeast Bayshore Commercial District
- C/P-U Commercial/Public Utilities District
- PAOZ-1 Parkside Overlay District - Clustered Housing
- PAOZ-2 Parkside Overlay District - Multi-Family Housing
- R-MHP Residential Mobile Home Park District

Sphere of Influence

Dark Sky Ordinance Attachment 3 11/16/2023 City Council Meeting Cover Page

0 1,000 2,000 3,000 4,000 Feet





Proposed Property Illumination Maximums

Lumens per Sq Ft of hardscape

- 0.35 Lumens
- 0.875 Lumens
- 3.5 Lumens

Lumens per Sq Ft of developed lot area

- 1.75 Lumens
- Lighting Levels TBD

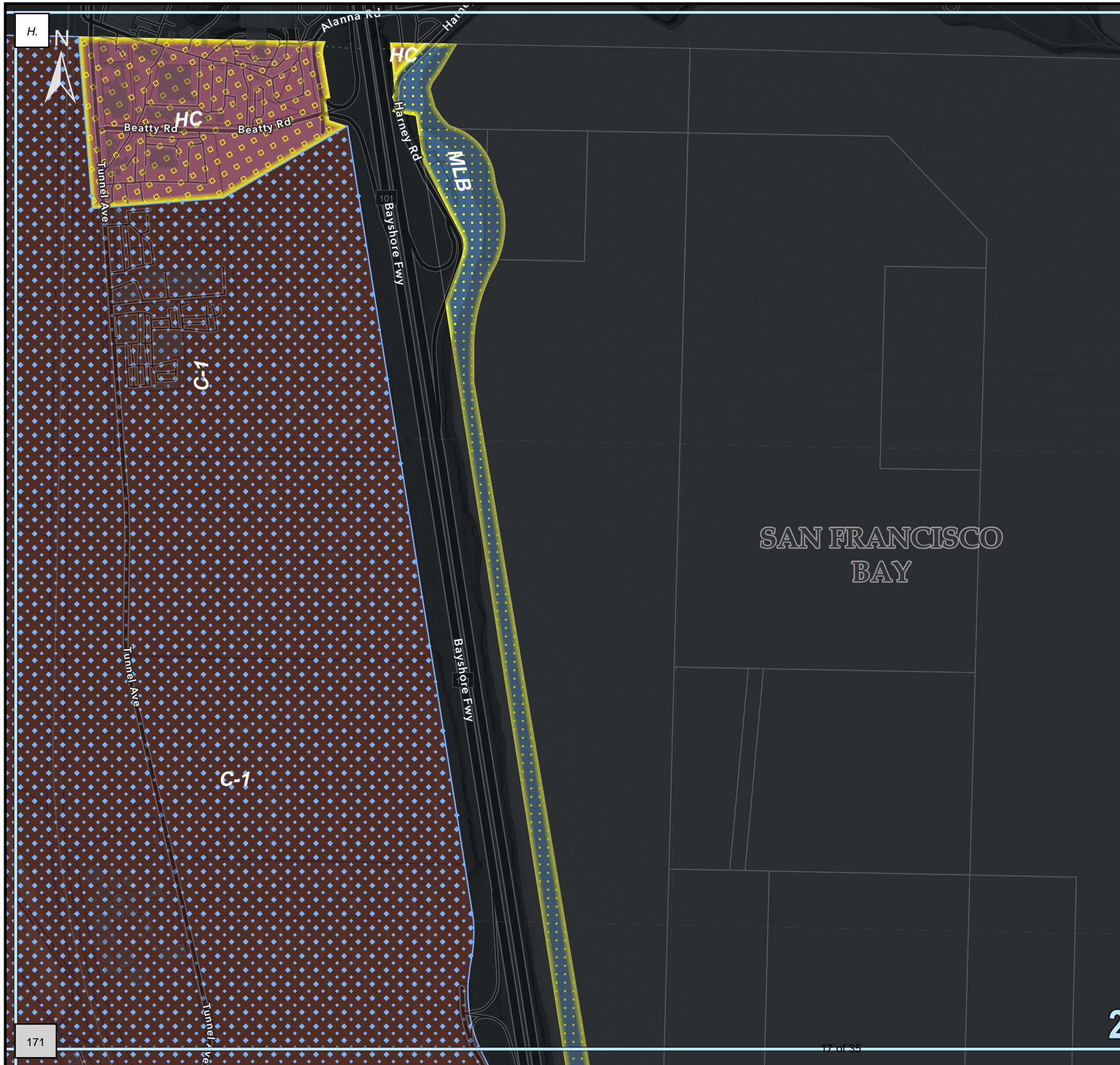
Brisbane Zoning Districts

- R-BA Brisbane Acres Residential District
- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- NCRO-1 Brisbane Village Neighborhood Commercial District
- NCRO-2 Downtown Brisbane Neighborhood Commercial District
- SCRO-1 Southwest Bayshore Commercial District
- SP-CRO Sierra Point Commercial District
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- R-MHP Residential Mobile Home Park District

Sphere of Influence

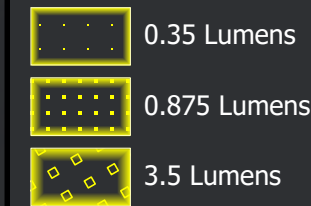
Dark Sky Ordinance Attachment 3 11/16/2023 City Council Meeting Detail 1



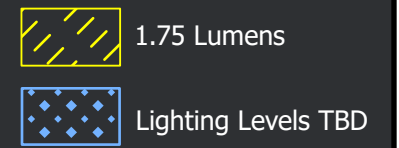


Proposed Property Illumination Maximums

Lumens per Sq Ft of hardscape



Lumens per Sq Ft of developed lot area

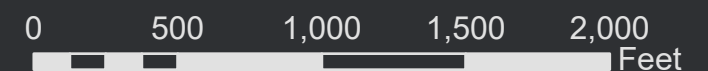


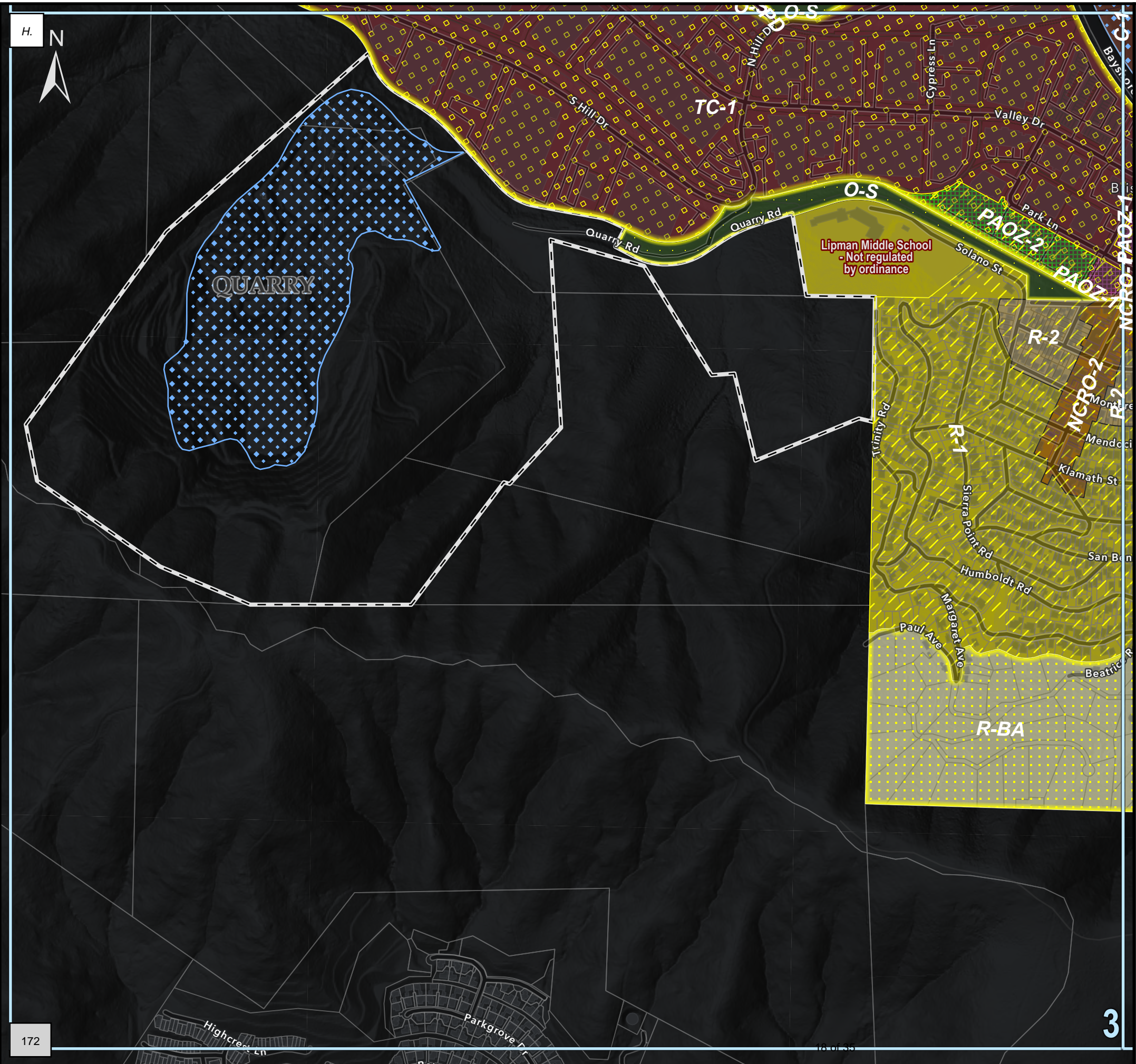
Brisbane Zoning Districts

<i>R-BA</i>	Brisbane Acres Residential District
<i>R-1</i>	Residential District
<i>R-2</i>	Residential District
<i>R-3</i>	Residential District
<i>NCRO-1</i>	Brisbane Village Neighborhood Commercial District
<i>NCRO-2</i>	Downtown Brisbane Neighborhood Commercial District
<i>SCRO-1</i>	Southwest Bayshore Commercial District
<i>SP-CRO</i>	Sierra Point Commercial District
<i>TC-1</i>	Crocker Park Trade Commercial
<i>C-1</i>	Commercial Mixed-Use District
<i>HC</i>	Heavy Commercial
<i>PD</i>	Planned Development District
<i>M-1</i>	Manufacturing District
<i>MLB</i>	Marsh Lagoon Bayfront District
<i>O-S</i>	Open Space District
<i>TC-2</i>	Southeast Bayshore Commercial District
<i>C/P-U</i>	Commercial/Public Utilities District
<i>PAOZ-1</i>	Parkside Overlay District - Clustered Housing
<i>PAOZ-2</i>	Parkside Overlay District - Multi-Family Housing
<i>R-MHP</i>	Residential Mobile Home Park District

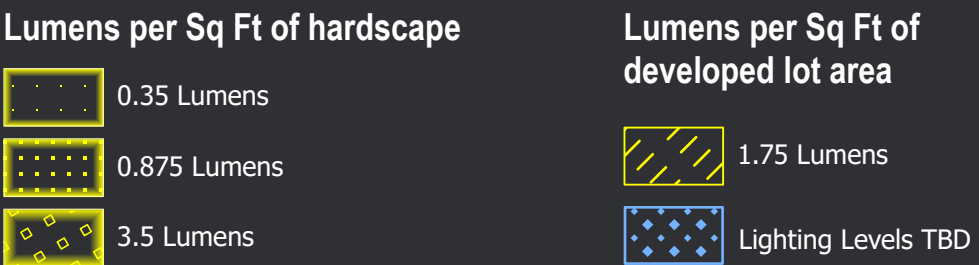
Sphere of Influence

Dark Sky Ordinance Attachment 3 11/16/2023 City Council Meeting Detail 2





Proposed Property Illumination Maximums



Brisbane Zoning Districts	
R-BA	Brisbane Acres Residential District
R-1	Residential District
R-2	Residential District
R-3	Residential District
NCRO-1	Brisbane Village Neighborhood Commercial District
NCRO-2	Downtown Brisbane Neighborhood Commercial District
SCRO-1	Southwest Bayshore Commercial District
SP-CRO	Sierra Point Commercial District
TC-1	Crocker Park Trade Commercial
C-1	Commercial Mixed-Use District
HC	Heavy Commercial
PD	Planned Development District
M-1	Manufacturing District
MLB	Marsh Lagoon Bayfront District
O-S	Open Space District
TC-2	Southeast Bayshore Commercial District
C/P-U	Commercial/Public Utilities District
PAOZ-1	Parkside Overlay District - Clustered Housing
PAOZ-2	Parkside Overlay District - Multi-Family Housing
R-MHP	Residential Mobile Home Park District

Sphere of Influence

Dark Sky Ordinance Attachment 3 11/16/2023 City Council Meeting Detail 3





Proposed Property Illumination Maximums

Lumens per Sq Ft of hardscape

- 0.35 Lumens
- 0.875 Lumens
- 3.5 Lumens

Lumens per Sq Ft of developed lot area

- 1.75 Lumens
- Lighting Levels TBD

Brisbane Zoning Districts

- R-BA Brisbane Acres Residential District
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- R-2 Residential District
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- PAOZ-1 Parkside Overlay District - Clustered Housing
- PAOZ-2 Parkside Overlay District - Multi-Family Housing
- R-MHP Residential Mobile Home Park District

Sphere of Influence

Dark Sky Ordinance Attachment 3 11/16/2023 City Council Meeting Detail 4

0 500 1,000 1,500 2,000 Feet



Dark Sky Survey Results

Total survey responses: 173

Survey period: Sept 16 – Oct 15, 2023

Survey promotion: Brisbane Chamber Luminary (Sept 30), Brisbane STAR (Oct 1), City social media accounts and email blasts, OSEC booth at Day in the Park (Oct 7), Senior Center lunch (Oct 11)



Demographics

173 total responses

Homeowner	141
Renter	24
Multi-family property owner	7
Commercial property owner	5
Other (condo, citizen, mobile home)	6
Visitor	3

	<1 year	1-5 years	5-10 years	>10 years
Resident	9	23	24	111
Non-residential property owner	7	2	2	11
Non-residential tenant	7		3	7

What are the main lighting issues that you perceive in Brisbane?

Selected responses from 92 total responses

Concerned about lighting / supportive of regulation (~63)

- Giant stars on the hill, excessive lighting in unoccupied residences, unnecessary outdoor lighting
- Everyone on the hillside seems to have ridiculously bright floodlights. Also, businesses along Crocker have an insane amount of lighting.
- Too disruptive to natural environment
- Too many floodlights being directed onto other people’s property! Just look up on the hill in Central Brisbane at night. Light is being broadcast over the ENTIRE city! Over-illumination of commercial properties.
- Spot lights making it impossible to enjoy the REAL stars in the sky.
- Downtown is too bright at night especialy in the Apartment areas. Want the owls to come back.
- Balancing (perceived) security/safety with natural environment
- Too bright motion activated lights, and certain new houses that are almost entirely made of glass, and sometimes have all the lights in every room lit up.
- Commercial all night lighting
- Extreme light trespass. Too much illumination. Almost no darkness.
- Crocker Park lighting impacts residents on the Ridge. All outdoor lighting should be amber.
- Ultra bright LED lights that flood the surrounding area and blind people and night critters
- the worst offender of the night sky (and to our well-being) is the industrial park. The onslaught of lighting emanating from there each night is bewildering and nothing short of abhorrent. I understand the need for security and business operations but the lighting is a gross offender of dark skies and requires immediate intervention. I personally have been negatively affected for decades by the glaring 5000k+ flood lights. Lights there should invariably be down-lit (since they are currently fully indirect/flood) and reduced in total quantity or output. This is the minimum for human health. For wildlife health lower CCT would be recommended. Full shutoff after operating hours would be ideal, with the exception of (a reduced number of) streetlights operating.
- The main lighting issue I have is with residential lighting in central Brisbane and Sierra Point. I think we should have bird safety ordinances for Sierra Point and the dump that protect birds, especially during

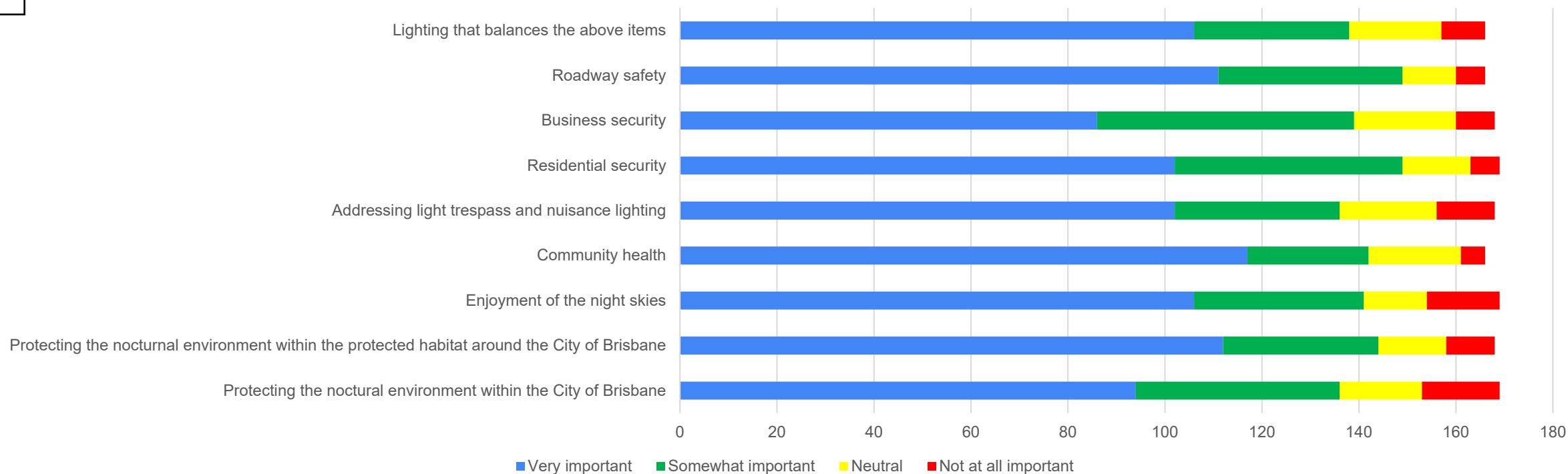
Oppose regulation (~24)

- None!
- That all of our changes will not make a significant difference, being next to SF.
- People that want to push their agenda over the safety of others.
- Does the Brisbane have a 'before' light level at 25-50 locations coupled with a biological survey to establish baseline data over at least one full year? If not, then this light regulation will not have any measurable effect other than the inconvenience of yet another law, and make the social justice warriors publicly crow about the new regulation without any data to prove benefits. Daly City, SF and SSF dwarf Brisbane's light output. This, coupled with our marine layer, makes seeing the galaxy (as you've pictured) impossible. False marketing.
- Better street lighting for safety is more important than regulating people’s garden lights or front porch lights. The residential streets can be very dark, the further into town you go.
- Given our location (near SFO, SF and US 101) lighting at night is to be expected.
- too dark as it is, lighting bad.. some street lights are out, no one changes them.. safety is always a concern
- I do not see any issues here. I am perplexed that this is even a thing. Feels very "woke" and the idea of having a light fixture police makes me unhappy.

Neutral/specific (~3)

- Balancing (perceived) security/safety with natural environment
- I am only concerned about LED lighting that is unhealthy, especially for growing kids
- Some lights are missing at the 101 Exit

How Important to you are the following?

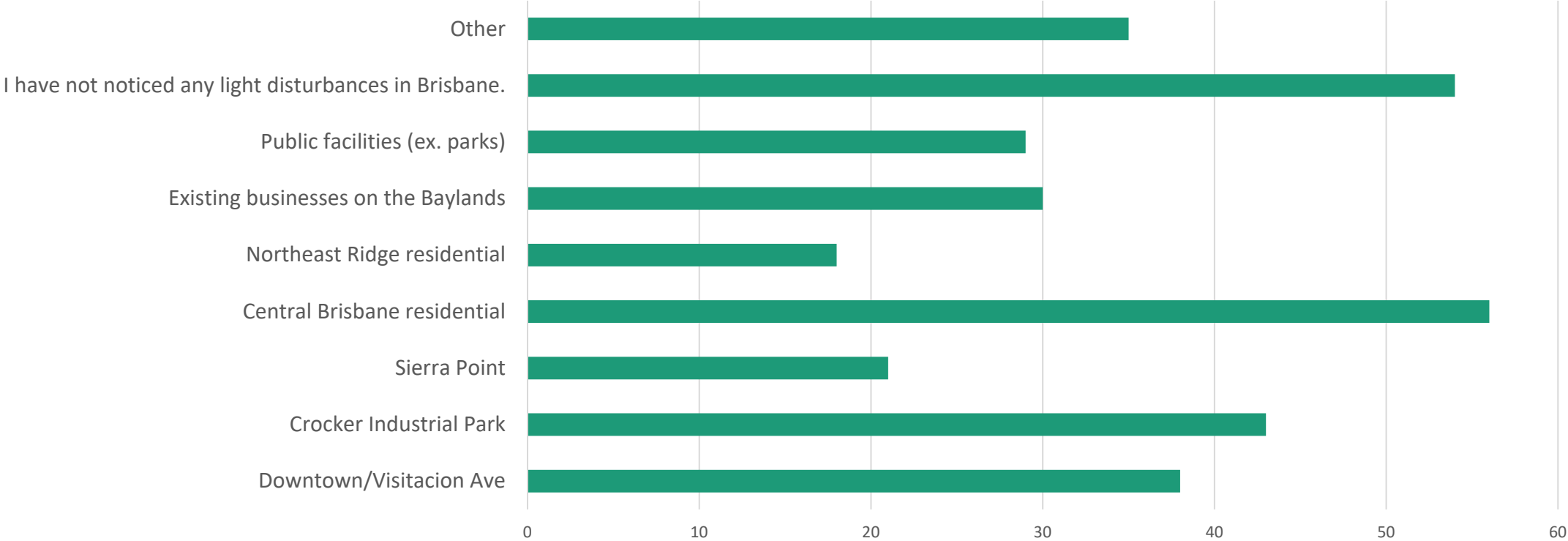


n = 169

Most important: Residential security, roadway safety (149 marked very or somewhat important; 88%)

“Least” important: Protecting the nocturnal environment within the City, Addressing light trespass and nuisance lighting (136 marked very or somewhat important; still 80%)

where outdoor lighting impacts are most disruptive/bothersome

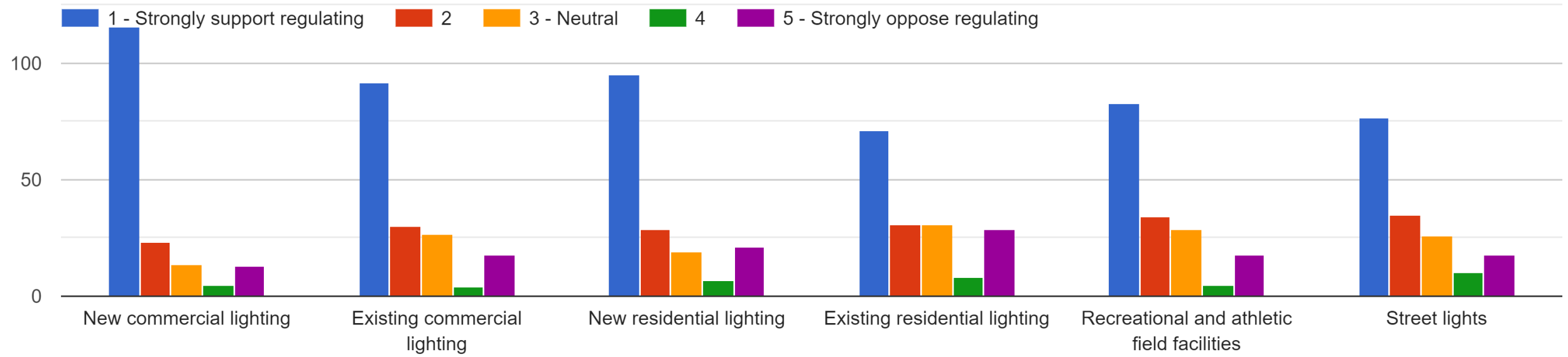


n = 165

Other:

- Some variation of “neighbor’s light” or “homes with very bright floodlights” – 22
- Lighting at public facilities (baseball field, pool, park, schools, new library) – 6
- Streetlights (generally a specific one outside their window) – 3
- Recology, Giant star on the hill, apartments on San Bruno, Candlestick Cove, SF, SSF

H. What outdoor lighting should be regulated by this ordinance?



n = 171

Most support: New commercial lighting (>80% strongly or somewhat support regulating)

Least support: Existing residential (60% strongly or somewhat support regulating; ~22% strongly or somewhat oppose regulating)

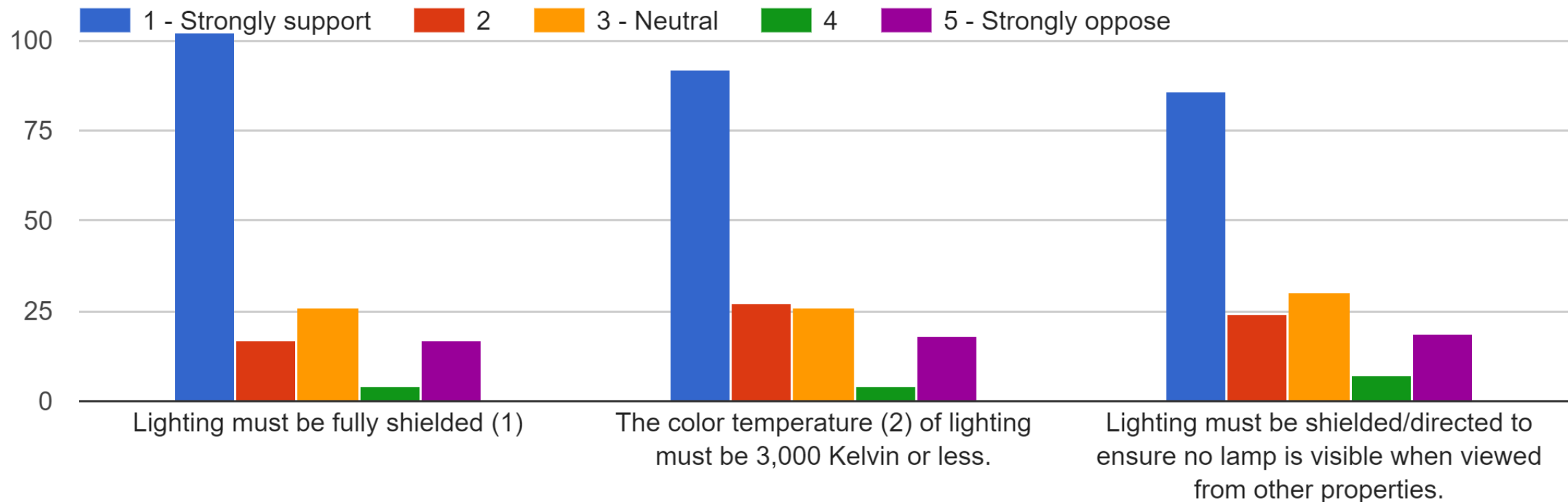
Please add any comments or suggestions regarding covered and exempted lighting here, including any objections to listed exemptions, or additional outdoor lighting types that you suggest should be exempted.

Selected responses from 60 total responses

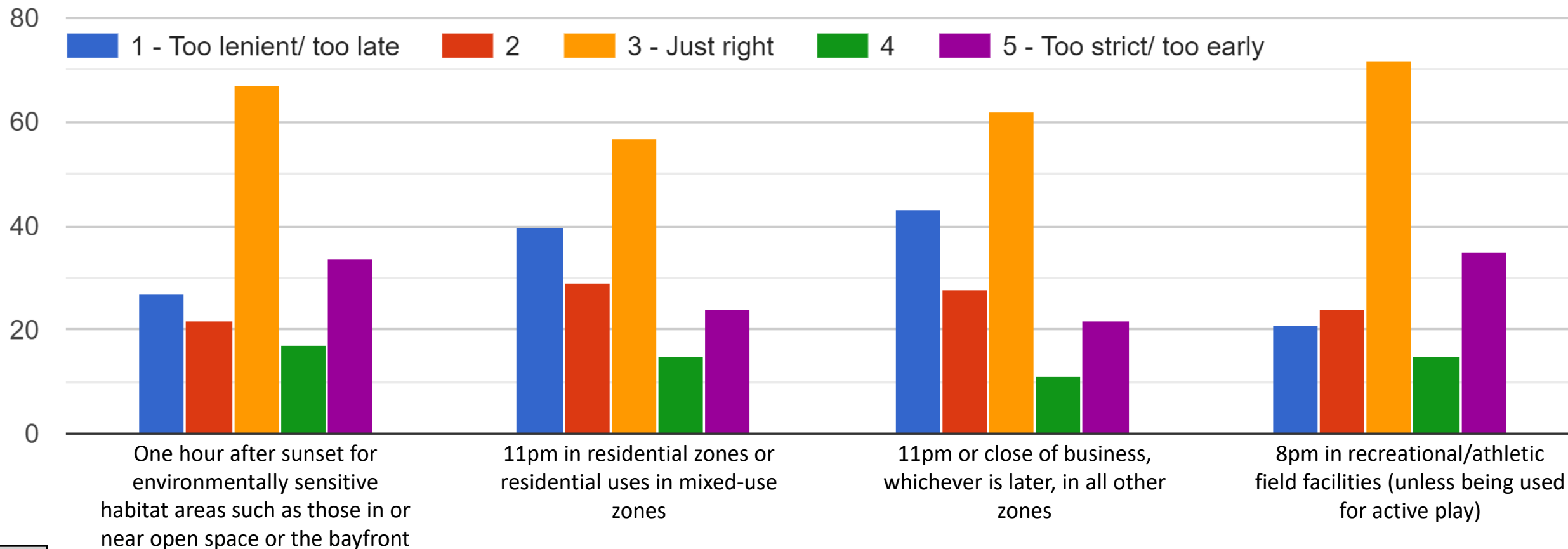
H.

- Lights on Brisbane Stairs [stars??] should also be controlled and omitted - Brisbane as a city is contradicting itself and showing it does not care for the environment if that is not controlled. Wooden environmental friendly stars without obtrusive and environmentally harmful lighting are more than sufficient to maintain Brisbane's identity. Operation times of string lights in gardens should also be controlled e.g. turned off after 9PM. Controlling illuminating a flag is also important - there is no justification for illuminating a flag. Address identification should also be controlled with only discreet lighting approved. Brisbane should learn from rural areas such as Woodside for lighting control.
- Please regulate holiday/seasonal lights as well.
- Brisbane stars should also be regulated if they create nuisance for neighbors.
- 1) Emphasis on "seasonal/holiday" lighting - some residential Brisbane Stars are lit year-round and are very, very bright - if people want to keep them lit year-round, they should use bulbs that are lower watts; (and as an aside - why are we paying for the "holiday lights" on the light poles in downtown Brisbane to be on 24/7, year-round? I thought this was a holiday only thing); 2) I would like to see an ordinance that reduces the allowed lumens in new and existing residential and commercial exterior lighting and requires bulbs to be shielded; 3) in a perfect world, it would be preferable if commercial exterior lighting in Crocker was driven by motion detection devices vs "always on". Thank you OSEC for taking this on!
- I am absolutely, adamantly, opposed to getting rid of the Brisbane Stars or any holiday lighting. Additionally, homeowners and tenants should continue to have the right to use their lanterns and fire pits.
- If existing residential lighting will be regulated, city should provide cash rebates for replacing lighting to compliant types because financial barriers will make it difficult for the affected.
- Existing residential lighting should be exempt. Those who have recent construction went through permitting with the city planning and the city approved that lighting. Those homes must be exempt or you are creating an issue for the residents of Brisbane who followed the permitting requirements of the city.
- You should take into consideration any private residences that may be impacted by strong lights causing a glare on their property. Definitely NO strobe type lights, or flashing lights.
- Hi-lumen LED residential floodlights broadcasting beyond a property owner's OWN YARD should not be permitted as they are a nuisance to neighbors. Even downward-facing lights from a second-story residence act as floodlights and should not be permitted. Wall-sweeping upward facing lights on commercial buildings are light pollution and waste energy. All the illuminated signage and lighting architectural lighting should be turned off by midnight to conserve energy.
- nothing exempted
- No halogen type lights
- #7: flag lighting is typically up lighting, and should be avoided
- I think the temporary use and emergency lighting should be kept in check with follow-up visits.
- Should not exempt temporary construction and acorn-style street lights
- The street lights on Visitation need shielding. Tulare Hill is dreadful light pollution now
- There are other low intensity lights that should be exempted like low light decorative landscape lighting (ex some people have twinkly lights in trees that doesn't light up the street/spill out). Also I'm assuming these rules apply to lighting facing public spaces/streets and not to lighting in people's back yards...
- 180 ght / more Crime. Leave things as is. I can still enjoy the night sky.
- I am oppose to low lighting in areas that could compromise safety for people -- some area is dark as it is - e.g., streets

Please rate your support or opposition for the following requirements for most types of outdoor lighting. Higher color temperatures, which have a ...h detrimental effects on wildlife and human health.



Curfews are proposed for most outdoor lighting, excepting for lighting activated by motion sensor which goes out within 10 minutes, and lighting at building entrances, parking areas and driveways. Please rate your support for these curfews.



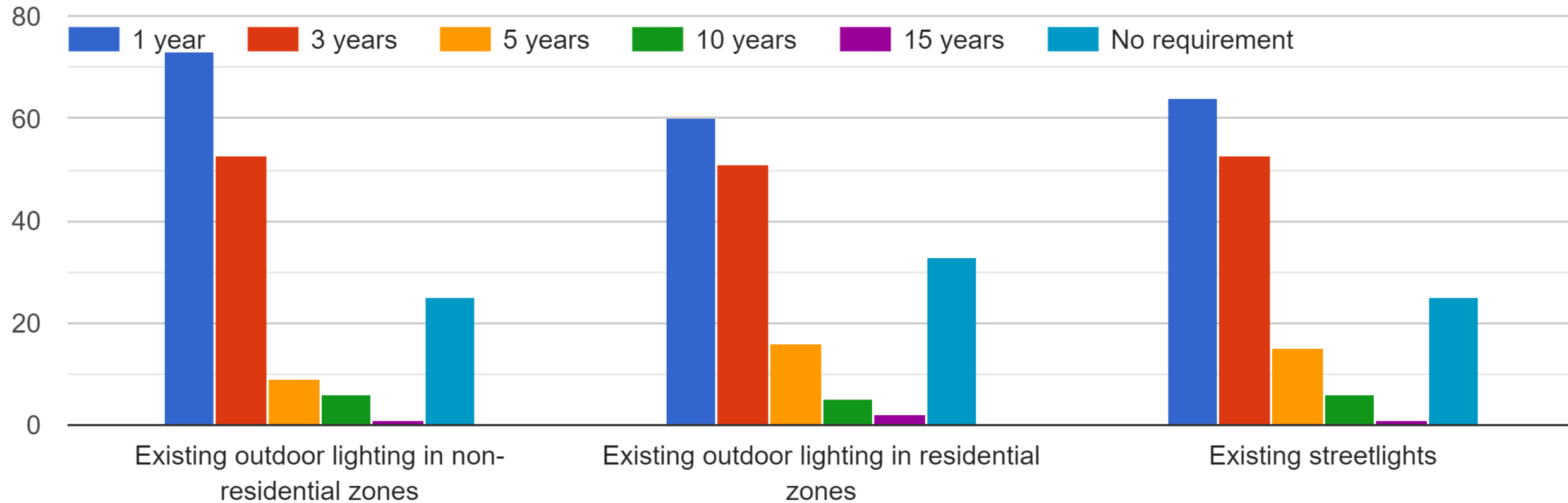
If you would like to add any comments, concerns or reasoning regarding your responses on lighting requirements and curfews, please do so here.

Selected responses from 42 total responses

H.

- Earlier curfews and control. Lighting really harms the environment.
- Education is key to informing people that MORE and BRIGHTER light does not make them safer and can do the opposite. Brisbane streetlights need to be examined.
- 11pm seems a little too late for lighting curfews in Brisbane - something closer to 10 pm seems more reasonable for residential or residential mixed-use zones as well as business zones - most of our businesses on Visitation are closed much earlier than that except for Midtown Market which should qualify for lighting until the close of business.
- These safeguards are for the animals and pollinators too.
- Lightning should be installed at Lipman Field for sports teams that use that field. Can be timed lighted that required a button to be pushed to turn on.
- These exceptions seem to eat up the rule. "lighting at building entrances, parking areas and driveways" are the problem
- Would prefer dusk for every instance.
- There should also be a maximum height or addition shielding for street lights
- rec fields should be available later during summer months (consider sundown time) - 8:00 in winter is 3 hours after sundown, but may be before sundown in summer (both extremes). Attach times to sundown (ex 3 hours after sunset or 11:00, whichever come first)
- Would adjust the curfew times by season - in summer, it's light late so it matters less. In winter, it might be nice for someone to jog around an athletic field at 8:15.
- The curfew and regulation question depends somewhat on the consequence for violation.
- Street lights that shine into homes should have some kind of barrier on the side that affects the residence.
- Enough with these motion lights on RING installations (wakes me up every night) and aren't those cameras night vision?
- There are folks who get out of work late or exercise early; would like them to be safe
- There should not be a curfew for residential.
- Lighting promotes safety as it deters criminal activities. If security lights have a curfew of 11pm, then what's the point? Same with residential lights. Homeowners should have the right to keep outdoor lights on for security and safety purposes. Dialogue between neighbors and homeowners should be the mode to resolve concerns and issues.
- motion detection lights are more distracting than a low level light that is left on and directed away
- I am concerned about the enforcement of lighting requirements for resident's homes. An example is that I leave my porch light on all night for safety, as many do. I do not wish to be restricted in any way regarding which lights to leave on in front of my home.
- "No lamp is visible from other properties" does not work. Perhaps "No directional lighting shall be aimed at other properties." would be more reasonable.
- Not sure of meaning on some of this. If you mean residents have to obey lighting restrictions after a certain hour, that's one thing. I am against giving a time to go completely dark at any time.
- Please use maximum of 2700 Kelvin, not 3000 K. Technology allows using 2700K with no loss of effectiveness, and there are many fixture options available.
- Residential lighting is the absolute least of our concerns. I drove all around town the last 2 nights to see what I was missing and it is absolutely nothing compared to the Recology area. Why all these questions and curfews regarding residential? Is this for real?

For more extensive changes, such as replacement of non-compliant lighting fixtures, how many years out from the effective date of the ordinance should property owners be expected to comply by?



If you would like to add any comments, concerns or reasoning regarding your responses on compliance periods, please do so here.

Selected responses from 28 total responses

H.

- "The one year time period is too long. Most lighting fixtures can be simply adjusted downward easily. Most lightbulbs can be replaced easily. Additional time can be granted by permit if applied for by a property owner. Where new fixtures are required, that should be verified before more time is allowed. Tax credits should be available to a business if they have replaced non compliant lighting within 3 years prior to the passage of the new ordinance. Street lights may require a longer time period depending on DPW advice of how long they project to require time to comply. If it's no problem, do it faster. "
- Instead of one or three years, I would suggest TWO years. In the case of financial hardship there should be a caveat to allow a bulb replacement with a prescribed VERY LOW lumens approved bulb.
- Our pollinators are going very fast. We need to move fast, too, to protect the fauna.
- Repeating hear that residential requirements to change lighting should be subsidized by the City.
- I think expediting changes is better, but maybe three years is best.
- Compliance of light color, if all other compliance is met, could follow later.
- Same as my previous comments - Get actual data first, and then based on the data determine whether or not these rules will make any actual difference.
- Would it be possible to incentivize the change with a small dollar amount rebate?
- New construction can accommodate updated lighting designs. Older buildings can be quite expensive to convert to new standards.
- HOA's are frequently affected by laws coming from Sacramento such as SB 326, which will cost Altimar over \$100,000.00 in unforeseen expenses for compliance. These are budget busters. While compliance for individual homeowners may be minimal, it can increase the financial stress of homeowners at the Ridge.
- SAFETY first, do not want dark streets - crime increasing in brisbane!
- One year is too long. Should be up to 4 months.
- Could also provide rebates on cost of changes.
- Would prefer that motion sensor lighting go off after 5 minutes.
- No way we are changing an of our light fixtures. This is a waste of time and resources.
- The urgency of implementing light pollution mitigation measures and replacing existing lighting cannot be overstated. It addresses a range of environmental, health, economic, and social concerns. The sooner we take action, the sooner we can enjoy the benefits of darker nights.
- Is is possible to offer low income residents support? For example, bring in their current too bright light bulb to exchange for less bright bulb?
- I am opposed to an ordinance that requires replacement of fixtures. Such an ordinance puts an undue financial burden on property owners.

Please share any concerns you have related to the topic of the Dark Skies Ordinance (ex. would the ordinance affect you or someone else's personal safety, lifestyle, routine, etc.?)

Selected responses from 61 total responses

No concerns / supportive / will benefit (~25)

- No concerns. This is great. Please do it!
- There is nothing in the ordinance that negatively impact anyone's personal safety or the safety of their business. Dark Sky International has published studies to prove this. Stores that sell lighting constantly push the fear of crime in order to sell more and brighter lights. That has a great deal to do with how we got to the point on needing this ordinance.
- Properly explained to the public safety would not even be an issue. Education is PARAMOUNT because there are so many misconceptions regarding safety and lighting.
- The ordinance would GREATLY aid my sleep. My concern is that compliance will be slow.
- The softer lights are easier on my eyes & better for the wildlife.
- I am still an "amateur astronomer", haven't seen any stars less than magnitude 2 in YEARS inside residential Brisbane.

Safety / crime (~20)

- Sight impaired Brisbane is already too dark in some areas to walk safely, and provide areas of camouflage for car theft and breakins.
- Exercising early (hi, collective camp!) can feel a little scary when it's hella dark.
- The more I read through this survey, the more concerned I became. We need lighting for safety. Our residential streets are already too dark for walking safely at night. Additionally, I am opposed to any ordinance that seeks to restrict holiday lighting and the City of Stars
- Regulating business lights is fine. Stronger street lighting is important. Infringing on residential properties is less important. Some people, especially elderly living alone, leave outside lights on to feel safe. Even if it can be annoying, I wouldn't want to deny a resident that privilege.

Waste of time / over-reach (~11)

- The whole thing feels like a waste of time tbh. Is there a clear, measurable, positive outcome to be had or is this just appeasing some resident who is pissed off at their neighbor?
- We are surrounded by a vast urban area; changes we make will have minimal effect but I still think it's a good idea.
- NIMBYism is my main concern. Those of us with kids and who go out of their homes at night are going to be the silent majority on these issues. Older folks do less at night and will try to drive poor policy choices because it suits their interest

Cost / specific exemptions (~7)

- I would not want it to cause a costly burden to low-income households to replace fixtures and bulbs, nor would the waste associated with upgrading be ideal
- exemptions should be allowed for those who may not be able to comply financially or physically (e.g. too old to change lightening on their property)
- For Hoa with common area lighting is used for liability and security and safety. This needs to be thought of as a exemption for the regulation

Data / information needed (~4)

- information needed - questions seem too specific but not clear on what are good examples
- I'm concerned that you have gathered no data to support this ordinance. How do you know that these changes will make a measurable difference considered the light bleed from SF?

Please share any suggestions you have related to the topic of the Dark Skies Ordinance.

Selected responses from 38 total responses

Do it (~13)

- Please enforce and implement as soon as possible.
- Please Do Not grandfather any existing non compliant lighting. That is not fair, and it defeats the purpose of the ordinance.
- We need this ordinance so desperately

Education (~11)

- Show how much light has been added over the past 5 decades. Excessive light. Lighting manufacturers have stoked fear in people needlessly. For those who want to give up their ridiculous over-illumination, you might best be served by coaxing them into toning it down (lumens) but mandating they can be broadcasting light beyond their property!
- 1) Visual Examples 2) what is current business standard and how different is it to what is being proposed - again show examples even if simulated
- Would love to see simple educational materials sent to residents on lighting best practices (color temp, lumens, shielding, timers, etc.)
- There is sure to be pushback for either cost or safety reasons, so make sure to promote the important positives and address the concerns. Many other cities have adopted these types of ordinances and their experiences should be shared with the public.

Don't do it (~6)

- Stop working on this topic and please move on to more pressing issues.
- I find it unnecessary. We live near a city.
- Just be careful how far you go with this.

Cost / specific exemptions (~2)

- Providing tax credits where needed and justified will prevent any unnecessary financial burden on businesses to help them comply.
- For Hoa with common area lighting is used for liability and security and safety. This needs to be thought of as a exemption for the regulation

Data / information needed (~5)

- Don't pass an ordinance until you have baseline Brisbane light data over at least one full year for every part of town, and an associated biological survey.

Nuanced / specific suggestion (~7)

- I'm aware I have answered every question with a very "pro-regulation" bent. I can imagine that people with businesses, or who work in the industrial park at night, might be concerned for worker safety and security - bright light everywhere may be a deterrent to vandalism and theft, for example. Obviously consideration will have to be given to those concerns, and maybe there is even some data or research to address them.
- I think it is hard for the Crocker Park businesses. Yes they should dim, but they can't go dark.
- It simple. Follow the lead of other cities who have been able to be commercially reasonable. Alameda is a good example

Please ask any questions you have related to the topic of the Dark Skies Ordinance.

12 total responses

- Other than the people who fear the dark, who is opposed to this idea? What is your ETA for finalizing this action?
- How soon can you get this going as it's long overdue!
- Will Brisbane's Dark Skies Ordinance have any real impact given lights from surrounding cities?
- Will San Francisco and/or other Bay Area cities also be complying? That would be great.
- How's the city done research and will it share that research and how other communities have implement this is some of the negative affects?
- How extreme is this to what is now being passed by other cities
- Would need more info on the section regarding Lighting Requirements especially color temperature.
- Who will enforce this?
- Color, temp, should be less a concern if lighting is directed toward targeted area and shielded from neighbor and drivers. No?
- Curious why this topic has come up now
- How are you going to regulate this? Will there be notices and fines?
- Why are we even talking about this?

Comments about Brisbane Stars

(all comments about stars, pulled from various open-ended questions)

- Lights on Brisbane Stars should also be controlled and omitted - Brisbane as a city is contradicting itself and showing it does not care for the environment if that is not controlled. Wooden environmental friendly stars without obtrusive and environmentally harmful lighting are more than sufficient to maintain Brisbane's identity. Operation times of string lights in gardens should also be controlled e.g. turned off after 9PM. Controlling illuminating a flag is also important - there is no justification for illuminating a flag. Address identification should also be controlled with only discreet lighting approved. Brisbane should learn from rural areas such as Woodside for lighting control.
- 1) Emphasis on "seasonal/holiday" lighting - some residential Brisbane Stars are lit year-round and are very, very bright - if people want to keep them lit year-round, they should use bulbs that are lower watts; (and as an aside - why are we paying for the "holiday lights" on the light poles in downtown Brisbane to be on 24/7, year-round? I thought this was a holiday only thing); 2) I would like to see an ordinance that reduces the allowed lumens in new and existing residential and commercial exterior lighting and requires bulbs to be shielded; 3) in a perfect world, it would be preferable if commercial exterior lighting in Crocker was driven by motion detection devices vs "always on". Thank you OSEC for taking this on!
- Brisbane stars should also be regulated if they create nuisance for neighbors.
- Giant stars on the hill, excessive lighting in unoccupied residences, unnecessary outdoor lighting (response to what are the main lighting issues?)
- While most Brisbane stars are small, there are some that are quite large and quite bright. Also, except for the flag at the park, I don't see the need for an individual to display a flag with bright lights.
- Brisbane stars — the big one could be reserved for the holidays. It's a lot of light. Thank you. (comments regarding covered/exempt lighting)
- I am absolutely, adamantly, opposed to getting rid of the Brisbane Stars or any holiday lighting. Additionally, homeowners and tenants should continue to have the right to use their lanterns and fire pits. (comments regarding covered/exempt lighting)
- The more I read through this survey, the more concerned I became. We need lighting for safety. Our residential streets are already too dark for walking safely at night. Additionally, I am opposed to any ordinance that seeks to restrict holiday lighting and the City of Stars (concerns related to DSO)
- 1) Stars should be allowed for a set time period (eg Dec 1-Jan 10). All colors should be allowed but stars should be shut off at a reasonable time, like 10pm. Stars with warmer white CCT or longer wavelength monochromatic colors like red and orange should be allowed to remain on longer (or all night) as they do not significantly affect wildlife and humans. Personally, I would like to see stars up all year but that would only be possible if everyone followed the basic rules.

File Attachments for Item:

J. Countywide Assignments and Subcommittee Reports



CITY *of* BRISBANE

Subcommittee Update

From October 28th, 2023 to November 16th, 2023

Public Art Advisory Committee

10/30

Cunningham, Davis

The Committee interviewed three firms for the City's Public Art Master Plan: Nine dot Arts, Designing Local and Gail M. Goldman Associates. The Committee asked the firms many questions, including about their approach to fully engage the residents and stakeholders, their thoughts on differentiating one public art master plan from another, how would their document guide the Committee on choosing pieces that enhance Brisbane and its collection, how do they plan for public art in public spaces, and what do they think is their firms' best assets. After the interviews were completed, the Committee discussed the pros and cons of each firm and unanimously chose Nine dot Arts. To award the contract to Nine dot Arts will be on the Council meeting's agenda for 11/16.

Upcoming Subcommittees:

Fiscal & Administrative Policies Subcommittee

TBD

Cunningham, O'Connell