



CITY of BRISBANE

Joint City Council and Brisbane/Guadalupe Valley Municipal Improvement District Financing Authority Meeting Agenda

Thursday, January 20, 2022 at 7:30 PM • Virtual Meeting

Amended 01.18.2022

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

PUBLIC MEETING VIDEOS

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

TO ADDRESS THE COUNCIL/AUTHORITY

The Joint City Council and Brisbane/GVMID Financing Authority Meeting will be an exclusively virtual meeting. The agenda materials may be viewed online at www.brisbaneca.org at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

Remote Public Comments:

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

Email: ipadilla@brisbaneca.org

Text: 628-219-2922

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

Webinar ID: 991 9362 8666

Passcode: 123456

Call In Number: 1 (669) 900 9128

SPECIAL ASSISTANCE

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

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

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

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

2. ROLL CALL

3. ADOPTION OF AGENDA

4. AWARDS AND PRESENTATIONS

- A. Proclaiming January 2022 as Human Trafficking Prevention Month in the City of Brisbane
- B. Brisbane Library Annual Presentation

5. ORAL COMMUNICATIONS NO. 1

6. CONSENT CALENDAR

- C. Approve Minutes of City Council Meeting of November 18, 2021
- D. Approve Minutes of City Council Meeting of December 9, 2021
- E. Approve Minutes of City Council Closed Session Meeting of December 9, 2021
- F. Accept Investment Report as of November 2021
- G. Adopt Resolutions to Establish the Classification of Assistant Fire Marshal and Amend the Master Pay Schedule
- H. Adopt Ordinance No. 670, waiving second reading, to Amend Section 1.16.060 of the Brisbane Municipal Code Concerning the Amount of Administrative Fines for Violations Of The City's Short Term Residential Rental Ordinance
- I. Adopt a Resolution Setting the Dates of Regular Meetings of the Brisbane/Guadalupe Valley Municipal Improvement District Financing Authority
- J. Adopt a Resolution Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic and Confirming and Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic
- K. Adopt a Resolution Ratifying Proclamation of the Director of Emergency Services to Continue Conducting City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public, and Declaring the Continued Need to Conduct Such Meetings Remotely Due to Health and Safety Concerns for the Public

7. PUBLIC HEARING

- L. Consider Introduction of an Ordinance to amend Brisbane Municipal Code Title 17 (Zoning Ordinance) to achieve consistency with housing-related state legislation passed in 2017 and after.

(Proposed amendments include: establishing objective design and development standards for housing development projects; allowing multiple family dwellings in the SCRO-1 District by right; allowing multiple family dwellings as part of a mixed use in the NCRO-2 Zoning District by right; establishing residential density requirements for the NCRO-2 Zoning District; reducing guest parking requirements; and establishing procedures and requirements for an administrative Housing Development Permit for qualifying housing development projects.)

8. OLD BUSINESS

- M. Covid-19 Small Business Grant Program

(It is being recommended to approve the Economic Development Subcommittee recommendation to decrease the 2020 compared to 2019 loss to 15% from 20% in existing program and to allocate funds to businesses that began in 2020 which have a physical location in Brisbane with a signed lease and business license. The fiscal impact to the General Fund will depend on if the City Council will allocate more than the original \$200,000.)

9. NEW BUSINESS

- N. Capital Improvement Plan Amendment

(The fiscal impact of the priority projects at this time total \$971,046, for which \$550,200 is being requested from the General Fund.)

- O. Consider Adoption of a Resolution Authorizing (A) the Transfer of \$2,035,060 from the City's Facility Fund to the City's Capital Fund, (B) the Use of the Capital Improvement Portion of the City's Business License Tax Revenues (1) to Reimburse the City's General Fund for the Loss of Property Tax Revenues that the City Would Otherwise Receive from the County of San Mateo that the County Withholds to Pay Off a Loan the City Obtained to Help Construct the New Library , and (2) to Reimburse the City's General Fund for the Funds It Advanced to the Capital Fund to Pay for the Public Library

- P. Community Park Festival Tree Replacement

(The fiscal impact will depend upon the number of trees and locations planted, costs could range from \$2,000 for two trees up to \$20,000 for four trees because of modifications needed to park infrastructure)

9. STAFF REPORTS

Q. City Manager's Report on upcoming activities

10. MAYOR/COUNCIL MATTERS

R. Consider Donation to Fire in the Ring Boxing Inc. a Non-profit Youth Boxing Program

S. Update on Commission and Committee Recruitment

T. Countywide Assignments and Subcommittee Reports

U. City Council Meeting Schedule

V. Written Communications

11. ORAL COMMUNICATIONS NO. 2

12. ADJOURNMENT

C.

File Attachments for Item:

C. Approve Minutes of City Council Meeting of November 18, 2021



BRISBANE CITY COUNCIL**ACTION MINUTES**

BRISBANE CITY COUNCIL MEETING AGENDA**THURSDAY, NOVEMBER 18, 2021***VIRTUAL MEETING***CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Cunningham called the meeting to order at 7:44 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Assistant City Manager Schillinger, Finance Director Yuen, Community Development Director Swiecki, City Engineer Breault, Administrative Management Analyst Ibarra, and Police Commander Garcia

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that council gave direction to staff on Closed Session Item D. No action was taken.

ADOPTION OF AGENDA

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

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

Noes: None

Absent: None

Abstain: None

ORAL COMMUNICATIONS NO. 1

Michele Salmon commented that concrete bollards on Tunnel Avenue present a real danger.

Mary Rogers requested the removal of the concrete bollards on Tunnel Avenue

Roland Lebrun commented on the need for closed captioning during the Planning Commission Meeting, and members of the public who make public comment should not be required to introduce themselves by their first and last names.

CONSENT CALENDAR

- A. Approve Minutes of City Council Meeting of October 7, 2021**
- B. Approve Minutes of City Council Closed Session Meeting of October 7, 2021**
- C. Approve Minutes of City Council Meeting of October 21, 2021**
- D. Approve Minutes of City Council Closed Session Meeting of October 21, 2021**
- E. Approve Minutes of City Council Workshop of October 24, 2021**
- F. Approve Minutes of City Council Meeting of November 4, 2021**
- G. Approve Resolution No. 2021-70, Authorizing the Adoption of the San Mateo County Multijurisdiction Local Hazard Mitigation Plan**
- H. Adopt Resolution No. 2021-71 to Continue Conducting City Council and Commission Meetings Remotely Due to Health and Safety Concerns for the Public**
- I. Adopt Resolution No. 2021-72 Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic**
- J. Adopt Resolution No. 2021-73 to Approve the Second Amendment to and Restatement of the Joint Powers Agreement Establishing the Peninsula Traffic Congestion Relief Alliance**

Councilmember O'Connell made a motion, seconded by Councilmember Davis to approve Consent Calendar Items A-J. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

OLD BUSINESS

- K. Consider Contract Renewal with Granicus (Host Compliance)- Short Term Rental Monitoring and Permitting**

Community Development Director Swiecki reported that the purpose of this item is for the City Council to

consider a one-year renewal of the City's current agreement with Granicus (Host Compliance) to provide short term rental (STR) monitoring and permitting services. The cost of renewing the service agreement through December 2022 will be \$11,247.00. The agreement cost for 2021 was \$10,511.

After some Council questions and no discussion, Councilmember Davis made a motion, seconded by Councilmember O'Connell to approve contract renewal with Granicus for short term rental monitoring and permitting. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

L. Consider Introduction of Ordinance No. 668 Ordinance to Impose Higher Administrative Citation Fines for Violations of the City's Short Term Residential Rental Ordinance

Legal Counsel Roush reported that this Ordinance for consideration will impose higher administrative citation fines for violation of the City's Short Term Residential Rental Ordinance. The draft ordinance imposes fines of \$1500 for the first offense, \$3000 for the second offense, and \$5000 for the third and any subsequent offense. In considering whether to introduce/adopt this Ordinance, Council has the discretion to reduce these amount of fines for the various offenses. For example, Council could impose a \$500 fine for the first offense, a \$1500 fine for the second offense, but leave the \$5000 fine for the third and subsequent offenses. staff recommends that Council adopt higher fines for these violations. Facing the prospect of higher fines will undoubtedly motivate most property owners to comply with the STR ordinance.

It was noted for the record that written public comment was received from John Skeer and residents of the 200 block of Humboldt (namely: Nancy Lacsamana, Sharon Boggs, LEEANNE BORGHESI and Jodi Borghesi) regarding this item.

Mayor Cunningham wanted an emergency ordinance for the policy to be enacted before January 20, 2022.

After council questions, Michele Salmon commented it's time to play hard ball. New residents can be informed by a note in every water bill. Barbara Ebel commented that this is also a protection for the City's long-term tenants.

After some Council discussion, Councilmember O'Connell made a motion, seconded by Councilmember Davis, to adopt an Emergency Ordinance to Impose Higher Administrative Citation Fines for Violations of the City's Short Term Residential Rental Ordinance. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Councilmember O'Connell made a motion, seconded by Mayor Cunningham, to introduce an Ordinance to Impose Higher Administrative Citation Fines for Violations of the City's Short Term Residential Rental Ordinance. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

M. Guadalupe Quarry Redevelopment Environmental Impact Report Consultant Selection

(It is being recommended that the City Council authorize the City Manager to execute a professional services agreement with Panorama Environmental, Inc. to prepare an EIR for the proposed redevelopment of the Guadalupe Quarry.)

Community Development Director Swiecki reported that is being recommended that the City Council authorize the City Manager to execute a professional services agreement with Panorama Environmental, Inc. to prepare an EIR for the proposed redevelopment of the Guadalupe Quarry. And that the cost of EIR preparation (not to exceed \$468,266.20, including an \$18,000 contingency fund) will be funded by the Applicant through a reimbursement agreement which was approved by the City Council and executed on June 8, 2021.

After some Council questions with staff and Angie Alexander of Panorama Environmental, Michele Salmon commented whether impacts on hydrology, light pollution, and sensitive habitat will be addressed.

Roland Lebrun made a comment on CPUC 5032 Subsection B and will continue comment during Oral Communication 2.

After some council discussion, Council Mackin made a motion, seconded by Councilmember Lentz to authorize the City Manager to execute a professional services agreement with Panorama Environmental, Inc. to prepare an EIR for the proposed redevelopment of the Guadalupe Quarry. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

N. Consider Adoption of Resolution No. 2021-74 Accepting the Donation of 650 Harold Drive APN 007-570-220 Located within the Brisbane Acres

Assistant City Manager Schillinger reported that a property owner reached out to the City to donate his parcel to the City at the anticipated appraised value of \$70,000. After no council questions and discussion, Councilmember Davis made a motion, seconded by Councilmember O'Connell to adopt Resolution No. 2021-74 approving a donation agreement for real property, accepting the real property as a donation to the City, authorizing the mayor and or city manager to sign all documents necessary to transfer the property to the City and accept the property as a donation, and authorizing the City Clerk to record a deed with the county recorder to transfer the property. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

STAFF REPORTS

O. City Manager's Report on upcoming activities

City Manager Holstine updated the Council on the latest City news and events.

i. Appointment of Council members to an ad-hoc committee to review Community Garden Rules

After Council discussion and questions, Councilmember Mackin made a motion, seconded by Councilmember O'Connell to create an ad-hoc committee to review Community Garden Rules and appoint Mayor Cunningham and Councilmember Davis to the ad hoc committee. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

MAYOR/COUNCIL MATTERS

O. Countywide Assignments and Subcommittee Reports

The members of the Council reported on their activities with their Countywide assignments and subcommittees.

Q. City Council Meeting Schedule

The next City Council is a Special meeting is scheduled for December 9, 2021.

The City Council Meetings of December 2, December 16th, and January 6th have been cancelled.

R. Written Communications

The Council received the following correspondence between November 4, 2021 through November 18, 2021:

- Barbara Ebel (11/5/21) Business Grants
- Karen Lentz (11/6/21) New Committee
- Jason Nunan (11/6/21) Thank you for Brisbane 101
- C. John Skeer (11/18/21) Brisbane City Council Meeting, November 18, 2021
- Nancy Lacsamana, Sharon Boggs, LeeAnne Borghesi, Jodi Borghesi, Residents 200 block of Humboldt (11/18/21) City Council Meeting 11.18 Ordinance #668

ORAL COMMUNICATIONS NO. 2

Roland Lebrun commended Caroline Cheung's work as Communication Manager. He also provided comment on High Speed Rail Authority and Link21.

Michele Salmon thanked the Council for being the most cohesive council around environmental policy

ADJOURNMENT

The meeting was adjourned at 9:41 p.m.

D.

File Attachments for Item:

D. Approve Minutes of City Council Meeting of December 9, 2021



BRISBANE CITY COUNCIL

ACTION MINUTES

BRISBANE CITY COUNCIL SPECIAL MEETING AGENDA

THURSDAY, DECEMBER 9, 2021

VIRTUAL MEETING

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Cunningham called the meeting to order at 8:15 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Assistant City Manager Schillinger, Finance Director Yuen, Community Development Director Swiecki, City Engineer Breault, Administrative Management Analyst Ibarra, Sustainability Manager Etherton, Communications Manager Cheung, Fire Chief Pomicpic, Human Resources Administrator Partin, Police Chief Macias, and Police Commander Garcia

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that council gave direction to staff on Closed Session Item D. No action was taken.

ADOPTION OF AGENDA

After some experiencing technical difficulties in the virtual meeting , Mayor Cunningham announced that
Consent

Calendar Item F regarding Resolution NO. 2021-78 will be moved to New Business Item. Councilmember
Davis made

a motion, seconded by Councilmember Lentz to adopt the agenda as amended. Motion passes
unanimously by all

present.

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

Noes: None

Absent: None

Abstain: None

ORAL COMMUNICATIONS NO. 1

Michele Salmon commented that members of the public have been waiting for almost an hour. She also suggested testing the broadcasting equipment to prevent technical difficulties in the future.

Roland Lebrun gave an update on CalTrain High Speed Rail.

CONSENT CALENDAR

- A. Approve Minutes of City Council Closed Session Meeting of November 18, 2021
- B. Approve Minutes of City Council Workshop of November 18, 2021
- C. Accept Investment Report as of October 2021
- D. Approve Resolution Nos. 2021-75 and 2021-76 Establishing the Classifications of Accounting Systems Analyst and Geographic Information Systems (GIS) Manager and Amending the Master Pay Schedule
- E. Approve Sanitary Sewer Easement Agreement and Resolution No. 2021-77, Conveying an Easement to Priouz Daftarian and Tara Daftarian
- G. Approve the Mothers of Brisbane Clothing Sale as a co-sponsored event
- H. Approve Contract for Public EV Charging Stations (Project No. 921N)
(Staff is recommending to award the design and construction contract for Public EV Charging Stations to PCS Energy in the amount of \$318,672 and authorize the Mayor to sign the agreement and approve a supplemental appropriation of \$18,172 from the General Fund)
- I. Approve Letter of Support for Solution to Property Tax in lieu of Vehicle License Fee Shortfall

Councilmember Davis made a motion, seconded by Councilmember Mackin to approve Consent Calendar Items A-E and G-I. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

J. Consider Approval of Resolution 2021-79 Approving the Purchase and Sale Agreement for the Bank of America Site Located at 70 Old County Road

(It is being recommended to direct the City Manager to complete all legal documents needed to purchase the property at 70 Old County Road for a purchase price of \$4,250,000)

Assistant City Manager Schillinger reported that the City submitted a proposal to purchase the site for \$4,250,000. On December 2, 2021 the City was informed that the Bank has tentatively accepted the City's proposal pending final legal review.

After some council questions and comments, Councilmember Davis made a motion, seconded by Councilmember

O'Connell to approve Resolution 2021-79 approving the Purchase and Sale Agreement for the Bank of America Site located at 70 Old County Road. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

F. Approve the Easement Deed and Resolution No. 2021-78, Conveying an Easement to the Pacific Gas and Electric Company for Public Utility Purposes

City Manager reported that the matter for consideration has to be voted by the Council with a minimum of a 4/5 vote as an urgency resolution due to a clerical error with the staff report.

City Engineer Breault reported that permitting this easement across city owned property is necessary to provide electrical service to the city's Sewage Lift Station #4, which is presently being reconstructed.

After some comments, Councilmember O'Connell made a motion, seconded by Councilmember Lentz to Approve

the Easement Deed and Resolution No. 2021-78, Conveying an Easement to the Pacific Gas and Electric Company for Public Utility Purposes an urgency resolution. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

K. Election of New Mayor and Mayor Pro Tem

Councilmember Lentz made the motion, seconded by Councilmember Davis, to nominate Coleen Mackin to be elected as the new Mayor. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Administration of Oath of Office of Newly Elected Mayor and Mayor Pro Tem

Councilmember Davis made the motion, seconded by Councilmember Mackin, to nominate Cliff Lentz to be elected as the new Mayor Pro Tempore. Motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Administration of Oath of Office of Newly Elected Mayor and Mayor Pro Tem

Former Mayor W. Clarke Conway administered the Oath of Office to Mayor Mackin and Mayor Pro Tem Lentz.

Mayor Mackin shared a few words of gratitude and commitment for action.

L. Recognize Outgoing Mayor Karen Cunningham for Her Service

Incoming Mayor Mackin recognized Outgoing Mayor Karen Cunningham for her service with a gavel plaque and proclamation.

Outgoing Mayor Cunningham thanked her fellow councilmembers and the community for their support.

STAFF REPORTS

M. City Manager's Report on upcoming activities

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

MAYOR/COUNCIL MATTERS

O. Countywide Assignments and Subcommittee Reports

The Council reported on their County-wide Assignments and Subcommittee Reports.

P. City Council Meeting Schedule

The Council Meeting of December 16th and January 6th, 2022 are cancelled.
The next City Council Meeting is scheduled on January 20th.

Q. Written Communications

The following correspondence was received by the Council between November 18, 2021 through December 9, 2021:

Sepi Wood (11/24) Water Shortage Emergency Declaration by SFPUC

ORAL COMMUNICATIONS NO. 2

Michele Salmon thanked Outgoing Mayor Cunningham for her leadership and said she looked forward to incoming Mayor Mackin to leading the City.

ADJOURNMENT

The City Council Special Meeting of December 9, 2021 was adjourned at 8:57 P.M.

Ingrid Padilla, City Clerk

File Attachments for Item:

E. Approve Minutes of City Council Closed Session Meeting of December 9, 2021



BRISBANE CITY COUNCIL

ACTION MINUTES

BRISBANE CITY COUNCIL CLOSED SESSION MEETING

THURSDAY, DECEMBER 9, 2021

VIRTUAL MEETING

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

D. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9.

Number of cases: One

Mayor Cunningham called the meeting to order at 7:04 p.m.

No members of the public were in attendance virtually and no public comment was received.

Mayor Cunningham adjourned the meeting into closed session.

REPORT OUT CLOSED SESSION

City Attorney McMorrow reported that council gave direction to staff on Closed Session Item D. No action was taken.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Ingrid Padilla, City Clerk

File Attachments for Item:

F. Accept Investment Report as of November 2021

CITY OF BRISBANE
CASH BALANCES & INVESTMENTS
SOURCE OF FUNDING
November 30, 2021

NAME OF DEPOSITORY	INVESTMENT TYPE	DATE OF INVESTMENT	FACE VALUE OF INVESTMENT	CARRY VALUE OF INVESTMENT	MARKET VALUE OF INVESTMENT	COUPON INTEREST RATE %	MATURITY DATE	RATING/ COLLATERAL
WELLS FARGO	Checking A/C		\$ 6,428,349	\$ 6,428,349	\$ 6,428,349	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	\$ 14,619,219	\$ 14,619,219	\$ 14,619,219	0.200	on call	no rating
Other Investments								
	Sallie Mae Bank	5/9/2019	\$ 245,000	\$ 245,000	\$ 247,523	2.550	05/09/2022	
	Morgan Stanley	6/6/2019	\$ 245,000	\$ 245,000	\$ 247,939	2.550	06/06/2022	
	Comenity Capital Bank	4/28/2019	\$ 248,000	\$ 248,000	\$ 255,534	2.650	04/28/2023	
	Morgan Stanley	5/2/2019	\$ 245,000	\$ 245,000	\$ 252,374	2.650	05/02/2023	
	Goldman Sachs	5/1/2019	\$ 246,000	\$ 246,000	\$ 257,081	2.750	05/01/2024	
BNY Mellon	Treasury Obligations	continuous	\$ 8,422,267	\$ 8,422,267	\$ 8,422,267	0.010	on call	110% collateral
Sub-total			\$ 9,651,267	\$ 9,651,267	\$ 9,682,718			
U.S. Bank	2014 BGPGA Bond (330)	Improvements	Fed Treas Obl		10031			
		Reserve Fund	Fed Treas Obl	\$ 1	10032			
		Revenue Fund	Fed Treas Obl	\$ -	10034			
		Expense Fund	Fed Treas Obl	\$ -	10035			
		Principal	Fed Treas Obl	\$ 1	10036			
		Interest Fund	Fed Treas Obl	\$ 0	10037			
U.S. Bank	2015 Utility Capital (545)	Improvements	Fed Treas Obl	\$ 0	10031			
		Reserve	Fed Treas Obl	\$ 1	10032			
		Expense Fund	Fed Treas Obl	\$ 0	10035			
PARS	OPEB Trust	Trust Cash	Investments	\$ 4,032,202	13050			
PARS	Retirement Trust	Trust Cash	Investments	\$ 1,411,770	13050			
Sub-total	Cash with Fiscal Agents			\$ 5,443,975				
Total other investments			\$ 9,651,267	\$ 15,095,241	\$ 9,682,718			
TOTAL INVESTMENTS & CASH BALANCES			\$ 30,698,835	\$ 36,142,809	\$ 30,730,286			

Outstanding Loans to Department Heads

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	4/1/2002	318,750	\$ 318,750	Based on Sales Price
Clay Holstine (1)	7/8/2008	300,000	\$ -	Paid off 12/28/2016
Clay Holstine (2)	9/10/2008	200,000	\$ 200,000	Secured by other funds
Randy Breault	10/22/2001	320,000	\$ 17,159	1.20%

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

Two year Treasury	0.52%	
Weighted Interest	0.20%	
Weighted maturity	0.07	Years

TREASURER'S CERTIFICATE

These are all the securities in which the city funds, including all trust funds and oversight agencies funds, are invested and that (excluding approved deferred compensation plans) all these investments are in securities as permitted by adopted city policy.

It is also certified that enough liquid resources (including maturities and anticipated revenues) are available to meet the next six months' cash flow.

Carolina Yuen
CITY TREASURER

G.

File Attachments for Item:

G. Adopt Resolutions to Establish the Classification of Assistant Fire Marshal and Amend the Master Pay Schedule



CITY COUNCIL AGENDA REPORT

Meeting Date: January 20, 2022

From: Abby Partin, Human Resources Administrator

Subject: Adopt Resolutions to Establish the Classification of Assistant Fire Marshal and Amend the Master Pay Schedule.

Community Goal/Result

Fiscally Prudent, Safe Community

Purpose

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

Recommendation

We recommend the City Council adopt resolutions by approving the following:

- Establish the Assistant Fire Marshal classification;
- Amend the Master Pay Schedule; and
- Add Assistant Fire Marshal to Brisbane Fire Management Group.

Background

With the current and purposed growth in residential, retail, hotel, commercial and biotechnology construction, including the Baylands development within the City of Brisbane, North County Fire Authority (NCFA) has identified the need for an Assistant Fire Marshal position. The current staff within the NCFA Fire Prevention Services Division is not able to accommodate the on-going pre-fire engineering and fire code compliance responsibilities required to support the major development within the City of Brisbane.

Discussion

The Assistant Fire Marshal will serve as the point of contact in providing consistency and coordination related to any and all fire code and life safety requirements while interfacing with consultants, developers, contractors and the trades with regard to pre-fire engineering development process and during the construction implementation to completion of all projects. With today's development complexities, construction principles, alternative materials and methods necessities, detection and suppression systems requirements and so on, establishing a local consistent interpretation of fire and life safety codes ensures positive project outcomes.

Having this uniformed fire prevention position to establish and maintain effective working relationships from the pre-development and design phase, through construction to final completion and certification will be paramount and essential for the City of Brisbane.

The City will create a Brisbane Fire Management Group for bargaining purposes. The draft Memorandum of Understanding will be presented to the successful applicant and will be open to bargaining in future years.

Fiscal Impact

The estimated yearly cost at top rate of the new Assistant Fire Marshal is \$192,000. The total full year cost, including benefits for the position is \$341,000, which will be incorporated in the updated Fiscal Year 2021-22 budget. The City anticipates that a portion of this will be reimbursed by development. In the first year, staff anticipates that \$50,000 will be reimbursed from development on Sierra Point and BDI. In future years the amount of reimbursement might grow.

Measure of Success

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

Attachments

Resolution 2022-__

Resolution 2022-__



Abby Partin, Human Resources
Administrator

Clayton L. Holstine
Clay Holstine, City Manager

RESOLUTION NO 2022- __**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
AMENDING RESOLUTION 2001-11 TO INCLUDE THE CLASSIFICATION OF FIRE
MARSHAL IN THE CLASS SPECIFICATION MANUAL**

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

WHEREAS, the City Manager has established the need for the new classification of Assistant Fire Marshal and

WHEREAS, the class description for Assistant Fire Marshal was developed in cooperation with and has been approved by the City Manager; and

WHEREAS, this newly developed class for Assistant Fire Marshal meets the requirements established Rule 6.02b of the City of Brisbane Personnel Rules and Regulations for the Class Specification Manual.

NOW, THEREFORE, the City Council of the City of Brisbane resolves as follows:
The class description for the classification of Assistant Fire Marshal in Exhibit "A" is approved for inclusion in the Class Specification Manual.

Coleen Mackin, Mayor

I hereby certify that the foregoing Resolution No. 2022-__ was duly and regularly adopted at a regular meeting of the Brisbane City Council on January 20, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Ingrid Padilla, City Clerk

CITY OF BRISBANE

ASSISTANT FIRE MARSHAL

Definition

Under the general direction of the Deputy Fire Chief of Special Services Bureau, administers the fire prevention program consisting of but not limited to pre-fire engineering and code enforcement compliance; assisting in planning for and directing of preventive measures including review of building plans, protective systems and specifications for compliance with fire and life safety codes and standards; conducting inspections; responding to emergency incidents and performing fire investigation for cause and origin determination; providing community outreach and public education; performs other duties as required and assigned.

Class Characteristics

The Assistant Fire Marshal is directly responsible for the supervision of personnel, management and coordination and overall activities of the Fire Prevention Services Division. In addition to technical and programmatic responsibilities, the Assistant Fire Marshal oversees matters of policy, code, rules, regulations related to the administration of fire prevention and pre-fire engineering. The Assistant Fire Marshal may be assigned Incident Command System (ICS) responsibilities and function within the scope of California Incident Command Certification System (CICCS) when deemed necessary.

Supervision Received and Exercised

Receives general supervision from a Special Services Bureau Deputy Fire Chief.

Examples of Important and Essential Duties - *the duties described below are provided as examples and are not to be considered as exclusive or all-inclusive:*

- Conduct fire and life safety plan reviews and inspections of occupancy classifications to ensure compliance with local, state, and national codes.
- Interprets and applies safety conditions, code requirements and required permits relating to approval of residential, commercial, industrial development and building modifications.
- Performs a variety of fire and life safety on-site inspections for new or modified construction, business license applications, use permits and code enforcement issues.
- Identifies fire and life safety problems and code issues; confers with property owners, consultants, developers, engineers, architects, contractors, business owners and others regarding code requirements and required mitigation.
- Assist, cooperate and work effectively with Building and Planning officials, external stakeholders and regulatory agencies.
- Determine the origin and cause of fires; establish the element of the crime of arson; collect evidence; conduct interviews; write reports; effectively work with local, state, and federal law enforcement agencies and the District Attorney's office; testify in court.
- Prepares a variety of reports, records, correspondence, informational and other written materials; prepare and present presentations to various public and private groups.
- Respond to emergency incidents and function within the Incident Command System.
- Prepare and distribute public information media releases on fire department activities and emergency incident response.

- Supervise assigned subordinate personnel which may include scheduling, assigning work and work timeframes; evaluate work performance and provide feedback; set work performance standards and operating procedures; mentor, train, coach, and delegate responsibilities for employee growth.
- Assigned “Duty Call” rotation within the Fire Prevention Services Division for emergency incidents, public information, cause and origin investigation, as well other necessary assignments.
- Interact with the public, employees, and others in a professional, courteous, and prompt manner. Provide accurate information.
- Maintains accurate records and files related to work performed.
- Perform related duties as assigned.

Qualifications

Knowledge of:

- Principles and practices of preventive services including fire and life safety, fire prevention, fire suppression, fuels reduction, fire investigation and emergency disaster mitigation.
- Applicable city, state and federal standards, laws, codes, mandates, and regulations related to fire and life safety; access and hazardous materials handling and storage.
- Relevant construction methods and processes related to fire systems to include fire sprinkler, fire detection, smoke evaluation and equipment.
- Principles of modern pre-fire engineering, modern suppression and preventative methods, practices, and procedures; California Fire Code, International Fire Code, National Fire Protection Association Codes and Standards, Uniform Building Code, and International Building Code.
- Standard fire department administration; budget and record keeping; city and fire department standard policy and procedures.
- Fire investigation principles and practices for fire cause determination.
- Use of equipment, tools, and personal protective equipment (PPE) safety practices.
- Technology applications related to the work, computer, tablets, programs, and data use.
- Basic fire suppression, emergency, and EMS response techniques.

Skill to:

- Provide effective communication and interaction with employees and public.
- Plan and manage multiple complex projects that may have communitywide impacts with social and political tones.
- Develop and implement a comprehensive programs, systems and measures within and related to the overall fire prevention services division.
- Present sound, accurate validated information by verbal presentation and or written documentation to an audience or groups.
- Solve problems in an interest based manner, especially when relations may be confrontational or stressed.
- Apply construction plan review methods, read plans, and inspect structures of varying size and scale for fire, life, and safety code compliance.
- Communicate, decipher, interpret, apply, explain, and enforce fire and life safety codes.
- Identify hazard risks to projects and apply mitigation standards; provide suggestions to address compliance issues.
- Determine methods and resources needed to address risk, liabilities, and legal implications.
- Investigate fire causes; keep accurate records and prepare precise written reports; work closely with local law enforcement when necessary.

- Represent the fire service point of view when interacting with Building and Planning Officials, private companies, consultants, Planning Commissions, City Councils, and other local, state, and federal agencies.
- Identify key issues and act as a resource to internal and external stakeholders in resolving complex issues.
- Supervise the work of staff daily and on projects. Hold subordinates accountable; be supportive; provide clear directions and leaders intent.
- Make sound, independent decisions within the law, regulations, policy and procedural guidelines.

Education and Experience:

Any combination of experience and education that would provide the required knowledge, skills, and abilities would be qualifying. A typical way to obtain the knowledge, skills, and abilities would be:

Education: Desirable education may include an Associate of Arts degree from an accredited college, university, or equivalent. A Bachelor's Degree from an accredited college or university. Formal course work from an accredited school, college, or university in the field of fire technology, fire protection and engineering or public administration may be applicable in meeting the requirements for education.

Experience: Eight years of progressive relevant experience in the fire service with three years of supervisory experience; exposure to fire service administration activities; Background in new construction building and planning review. Four years' experience in prevention officer duties, fire investigator and fire plans examiner. Prior Fire Marshal classification, duties, and experience in like size jurisdiction.

Special Requirements: Must possess a valid California class C driver's license and have a satisfactory driving record.

Must possess or obtain:

- P.C. 832 within one year of appointment
- Fire Prevention Officer certification or equivalent prior to completion of probation.
- Fire Investigator certification or equivalent prior to completion of probation.
- ICC or NFPA Plan Examiner certification or equivalent prior to completion of probation.

Physical Demands: Must possess mobility to work in a standard office setting, make inspections in a variety of locations and to operate a motor vehicle; vision to discern colors, perform inspections and to read printed materials and a computer screen; and hearing and speech to communicate in person and before groups in person and over the telephone and radio. Wear personnel protective equipment (PPE) including the use of Self-Contained Breathing Apparatus (SCBA) and other necessary equipment or demands.

Approved Date:
Resolution:

Revised Date:
Resolution:

Bargaining Unit: Brisbane Fire Management Group
Resolution:

Former Titles:
Abolished:

RESOLUTION NO 2022- ____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
AMENDING THE MASTER PAY SCHEDULE FOR ALL EMPLOYEES**

WHEREAS, the City of Brisbane contracts with the California Public Employees' Retirement System (CalPERS) to provide retirement benefits for its employees; and

WHEREAS, pursuant to California Code of Regulations, Title 2, Section 570.5, CalPERS requires governing bodies of local agencies contracting with CalPERS to approve and adopt a publicly available pay schedule in accordance with public meeting laws; and

WHEREAS, the pay schedule must identify the position title for every employee position, the pay rate for each position title, and applicable time base for the pay rate; and

WHEREAS, the City Council of the City of Brisbane desires to approve and adopt a publicly available Master Pay Schedule, showing all established employee positions and pay rates, in accordance with the requirement of California Code of Regulations, Title 2 Section 570.5.

NOW, THEREFORE, the City Council of the City of Brisbane resolves as follows:
The Master Pay Schedule is approved as set forth in Exhibit "B" and is incorporated by reference as though fully set forth herein.

Coleen Mackin, Mayor

I hereby certify that the foregoing Resolution No. 2022-__ was duly and regularly adopted at a regular meeting of the Brisbane City Council on January 20, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Ingrid Padilla, City Clerk

City of Brisbane Master Pay Schedule
Approved per Resolution No. 2021-_____

Job Classification	Hourly Grade A	Hourly Grade B	Hourly Grade C	Hourly Grade D	Hourly Grade E	Monthly	Fixed Hourly	Hourly Range	Effective Date	Bargaining Group	FLSA Status
Accounting Assistant I	\$ 25.97	\$ 27.28	\$ 28.64	\$ 30.07	\$ 31.58				1/3/2022	General Employees	Non-Exempt
Accounting Assistant II	\$ 28.59	\$ 30.02	\$ 31.53	\$ 33.10	\$ 34.76				1/3/2022	General Employees	Non-Exempt
Accounting Systems Analyst	\$ 39.26	\$ 41.33	\$ 43.40	\$ 45.57	\$ 47.84				1/3/2022	General Employees	Non-Exempt
Administrative Assistant	\$ 34.35	\$ 36.07	\$ 37.87	\$ 39.76	\$ 41.76				1/3/2022	General Employees	Non-Exempt
Administrative Management Analyst	\$ 43.73	\$ 45.90	\$ 48.21	\$ 50.61	\$ 53.15				1/3/2022	Confidential Employee	Exempt
Administrative Services Director	\$ 88.29	\$ 92.70	\$ 97.34	\$ 102.20	\$ 107.32				1/3/2022	Confidential Management	Exempt
Assistant Engineer I	\$ 40.00	\$ 42.01	\$ 44.11	\$ 46.32	\$ 48.63				1/3/2022	General Employees	Non-Exempt
Assistant Engineer II	\$ 44.01	\$ 46.19	\$ 48.51	\$ 50.94	\$ 53.48				1/3/2022	General Employees	Non-Exempt
Assistant City Manager	\$ 101.53	\$ 106.60	\$ 111.94	\$ 117.53	\$ 123.42				1/3/2022	Confidential Management	Exempt
Assistant to the City Manager	\$ 67.66	\$ 71.03	\$ 74.60	\$ 78.31	\$ 82.24				1/3/2022	Executive Management	Exempt
Assistant Fire Marshal	\$ 75.65	\$ 79.43	\$ 83.41	\$ 87.58	\$ 91.95				1/20/2022	Brisbane Fire Management	Exempt
Associate Civil Engineer	\$ 52.40	\$ 55.01	\$ 57.76	\$ 60.65	\$ 63.69				1/3/2022	Mid-Management/Professional	Exempt
Associate Planner	\$ 46.29	\$ 48.61	\$ 51.05	\$ 53.60	\$ 56.28				1/3/2022	General Employees	Non-Exempt
Cashier	\$ 13.78	\$ 14.47	\$ 15.20	\$ 15.96	\$ 16.76				1/3/2022	Unrepresented	Non-Exempt
C/CAG Stormwater Program Director	\$ 69.22	\$ 72.68	\$ 76.31	\$ 80.13	\$ 84.14				1/3/2022	Mid-Management/Professional	Exempt
City Clerk	\$ 54.75	\$ 57.49	\$ 60.36	\$ 63.38	\$ 66.54				1/3/2022	Executive Management	Exempt
City Manager	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 126.66		1/3/2022	Unrepresented	Exempt
Code Enforcement Officer	\$ 37.33	\$ 39.20	\$ 41.15	\$ 43.21	\$ 45.38				1/3/2022	General Employees	Non-Exempt
Communications Digital and Media Coordinator	\$ 35.06	\$ 36.80	\$ 38.65	\$ 40.58	\$ 42.60				1/3/2022	General Employees	Non-Exempt
Communications Manager	\$ 51.14	\$ 53.83	\$ 56.66	\$ 59.65	\$ 62.78				1/3/2022	Mid-Management/Professional	Exempt
Community Development Director	\$ 85.38	\$ 89.65	\$ 94.14	\$ 98.85	\$ 103.79				1/3/2022	Executive Management	Exempt
Community Development Technician	\$ 35.06	\$ 36.80	\$ 38.65	\$ 40.58	\$ 42.60				1/3/2022	General Employees	Non-Exempt
Community Services Officer	\$ 30.56	\$ 32.53	\$ 34.16	\$ 35.87	\$ 37.66				1/3/2022	General Employees	Non-Exempt
Council Member	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 400.00			1/3/2022	Elected Position	
Crossing Guard	\$ 13.84	\$ 14.54	\$ 15.28	\$ 16.03	\$ 16.83				1/3/2022	Unrepresented	Non-Exempt
Deputy City Clerk/Executive Assistant	\$ 41.16	\$ 43.22	\$ 45.38	\$ 47.66	\$ 50.03				1/3/2022	Confidential	Exempt
Deputy Director of Public Works	\$ 77.33	\$ 81.19	\$ 85.26	\$ 89.53	\$ 94.00				1/3/2022	Mid-Management/Professional	Exempt
Deputy Finance Director	\$ 69.22	\$ 72.68	\$ 76.31	\$ 80.13	\$ 84.14				1/3/2022	Mid-Management/Professional	Exempt
Director of Marina/Aquatics Services	\$ 56.67	\$ 59.51	\$ 62.48	\$ 65.61	\$ 68.89				1/3/2022	Executive Management	Exempt
Engineering Technician	\$ 38.56	\$ 40.49	\$ 42.51	\$ 44.62	\$ 46.87				1/3/2022	General Employees	Non-Exempt
Executive Administrative Assistant	\$ 35.61	\$ 37.38	\$ 39.25	\$ 41.22	\$ 43.28				1/3/2022	General Employees	Non-Exempt
Facility Attendant	\$ 17.67	\$ 18.55	\$ 19.48	\$ 20.46	\$ 21.48				1/3/2022	Unrepresented	Non-Exempt
Finance Director	\$ 84.50	\$ 88.72	\$ 93.16	\$ 97.83	\$ 102.70				1/3/2022	Confidential Management	Exempt
Financial Services Manager	\$ 59.79	\$ 62.77	\$ 65.91	\$ 69.22	\$ 72.68				1/3/2022	Mid-Management/Professional	Exempt
Fire Captain	\$ 41.75	\$ 43.83	\$ 46.03	\$ 48.33	\$ 50.75				1/3/2022	IAFF Local 2400	Non-Exempt
Fire Prevention Officer	\$ 51.46	\$ 54.05	\$ 56.75	\$ 59.57	\$ 62.55				1/3/2022	IAFF Local 2400	Non-Exempt
Fire Trainee	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 24.33		1/3/2022	IAFF Local 2400	Non-Exempt
Firefighter	\$ 34.94	\$ 36.68	\$ 38.52	\$ 40.43	\$ 42.45				1/3/2022	IAFF Local 2400	Non-Exempt

Job Classification	Hourly Grade A	Hourly Grade B	Hourly Grade C	Hourly Grade D	Hourly Grade E	Monthly	Fixed Hourly	Hourly Range	Effective Date	Bargaining Group	FLSA Status
Firefighter/Paramedic	\$ 34.94	\$ 36.68	\$ 38.52	\$ 40.43	\$ 42.45				1/3/2022	IAFF Local 2400	Non-Exempt
Geographic Information System Manager	\$ 51.14	\$ 53.83	\$ 56.66	\$ 59.65	\$ 62.78				1/3/2022	Mid-Management/Professional	Exempt
Habitat Restoration Aide	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 12.00		1/3/2022	Unrepresented	Non-Exempt
Habitat Restoration Lead Worker	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 15.00		1/3/2022	Unrepresented	Non-Exempt
Harbormaster	\$ 48.21	\$ 50.62	\$ 53.15	\$ 55.81	\$ 58.60				1/3/2022	Mid-Management/Professional	Exempt
Head Lifeguard	\$ 21.19	\$ 22.25	\$ 23.36	\$ 24.54	\$ 25.76				1/3/2022	Unrepresented	Non-Exempt
History Project Asst	\$ 35.86	\$ 37.66	\$ 39.54	\$ 41.51	\$ 43.59				1/3/2022	Unrepresented	Non-Exempt
Human Resources Administrator	\$ 70.63	\$ 74.16	\$ 77.87	\$ 81.77	\$ 85.85				1/3/2022	Confidential	Exempt
Human Resources Technician	\$ 35.06	\$ 36.80	\$ 38.65	\$ 40.58	\$ 42.60				1/3/2022	General Employees	Non-Exempt
Information Technology & Systems Administrator	\$ 52.71	\$ 55.34	\$ 58.11	\$ 61.01	\$ 64.08				1/3/2022	Mid-Management/Professional	Exempt
Intern	\$ -	\$ -	\$ -	\$ -	\$ -			\$15.00 - \$20.00	1/3/2022	Unrepresented	Non-Exempt
Lifeguard	\$ 16.08	\$ 16.88	\$ 17.72	\$ 18.61	\$ 19.53				1/3/2022	Unrepresented	Non-Exempt
Management Analyst (Part-time)	\$ 39.65	\$ 41.65	\$ 43.72	\$ 45.90	\$ 48.20				1/3/2022	Unrepresented	Non-Exempt
Marina Maintenance Worker I	\$ 30.06	\$ 31.56	\$ 33.14	\$ 34.79	\$ 36.54				1/3/2022	General Employees	Non-Exempt
Marina Maintenance Worker II	\$ 33.06	\$ 34.71	\$ 36.45	\$ 38.26	\$ 40.18				1/3/2022	General Employees	Non-Exempt
Marina Maintenance Worker I (Part-time)	\$ 30.65	\$ 32.18	\$ 33.79	\$ 35.50	\$ 37.27				1/3/2022	Unrepresented	Non-Exempt
Marina Maintenance Worker II (Part-time)	\$ 33.70	\$ 35.42	\$ 37.15	\$ 39.00	\$ 40.98				1/3/2022	Unrepresented	Non-Exempt
Marina Services Director	\$ 52.97	\$ 55.62	\$ 58.40	\$ 61.32	\$ 64.39				1/3/2022	Executive Management	Exempt
Office Assistant	\$ 27.55	\$ 28.88	\$ 30.33	\$ 31.84	\$ 33.45				1/3/2022	General Employees	Non-Exempt
Office Assistant (Part-Time)	\$ 28.05	\$ 29.45	\$ 30.92	\$ 32.48	\$ 34.10				1/3/2022	Unrepresented	Non-Exempt
Office Specialist	\$ 32.30	\$ 33.90	\$ 35.61	\$ 37.38	\$ 39.25				1/3/2022	General Employees	Non-Exempt
Office Specialist (Part-Time)	\$ 32.95	\$ 34.58	\$ 36.31	\$ 38.13	\$ 40.04				1/3/2022	Unrepresented	Non-Exempt
Park/Beach/Recreation Commissioner	\$ -	\$ -	\$ -	\$ -	\$ -	\$100.00			1/3/2022	Appointed Position	
Parks & Recreation Director	\$ 81.41	\$ 85.49	\$ 89.76	\$ 94.24	\$ 98.96				1/3/2022	Executive Management	Exempt
Parks/Facilities Maintenance Worker I	\$ 30.06	\$ 31.56	\$ 33.14	\$ 34.79	\$ 36.54				1/3/2022	General Employees	Non-Exempt
Parks/Facilities Maintenance Worker I (Part-Time)	\$ 30.65	\$ 32.18	\$ 33.79	\$ 35.50	\$ 37.27				1/3/2022	Unrepresented	Non-Exempt
Parks/Facilities Maintenance Worker II	\$ 33.06	\$ 34.71	\$ 36.45	\$ 38.26	\$ 40.18				1/3/2022	General Employees	Non-Exempt
Payroll/Utility Billing Technician	\$ 35.06	\$ 36.80	\$ 38.65	\$ 40.58	\$ 42.60				1/3/2022	General Employees	Non-Exempt
Planning Commissioner	\$ -	\$ -	\$ -	\$ -	\$ -	\$100.00			1/3/2022	Appointed Position	
Police Chief	\$ 99.64	\$ 104.62	\$109.84	\$115.35	\$ 121.10				1/3/2022	Police Chief	Exempt
Police Commander	\$ 89.83	\$ 94.32	\$ 99.04	\$103.99	\$ 109.19				1/3/2022	Police Commander	Exempt
Police Officer	\$ 45.65	\$ 47.93	\$ 50.33	\$ 52.85	\$ 55.49				1/3/2022	Brisbane Police Officers Association*	Non-Exempt
Police Officer - 40 hour shift (Detective/SRO)	\$ 47.93	\$ 50.33	\$ 52.85	\$ 55.49	\$ 58.26				1/3/2022	Brisbane Police Officers Association*	Non-Exempt
Police Sergeant	\$ 55.00	\$ 57.75	\$ 60.64	\$ 63.67	\$ 66.85				1/3/2022	Brisbane Police Officers Association*	Non-Exempt
Police Trainee	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 33.78		1/3/2022	Unrepresented	Non-Exempt
Pre-School Teacher	\$ 17.77	\$ 18.68	\$ 19.61	\$ 20.60	\$ 21.63				1/3/2022	Unrepresented	Non-Exempt
Principal Analyst	\$ 61.17	\$ 64.24	\$ 67.44	\$ 70.80	\$ 74.35				1/3/2022	Confidential	Exempt
Principal Planner	\$ 65.15	\$ 68.40	\$ 71.83	\$ 75.42	\$ 79.19				1/3/2022	Mid-Management/Professional	Exempt
Program Manager - SMCWPPP	\$ 64.44	\$ 67.67	\$ 71.05	\$ 74.61	\$ 78.34				1/3/2022	Mid-Management/Professional	Exempt
Public Service Aide	\$ 15.82	\$ 16.62	\$ 17.43	\$ 18.30	\$ 19.23				1/3/2022	Unrepresented	Non-Exempt
Public Works Director/City Engineer	\$ 99.96	\$ 104.96	\$110.19	\$115.72	\$ 121.50				1/3/2022	Executive Management	Exempt

Job Classification	Hourly Grade A	Hourly Grade B	Hourly Grade C	Hourly Grade D	Hourly Grade E	Monthly	Fixed Hourly	Hourly Range	Effective Date	Bargaining Group	FLSA Status
Public Works Inspector	\$ 49.33	\$ 51.80	\$ 54.39	\$ 57.10	\$ 59.96				1/3/2022	General Employees	Non-Exempt
Public Works Lead Maintenance Worker	\$ 39.68	\$ 41.66	\$ 43.73	\$ 45.93	\$ 48.21				1/3/2022	General Employees	Non-Exempt
Public Works Maintenance Worker I	\$ 30.06	\$ 31.56	\$ 33.14	\$ 34.79	\$ 36.54				1/3/2022	General Employees	Non-Exempt
Public Works Maintenance Worker I (Part-time)	\$ 30.65	\$ 32.18	\$ 33.79	\$ 35.50	\$ 37.27				1/3/2022	Unrepresented	Non-Exempt
Public Works Maintenance Worker II	\$ 33.06	\$ 34.71	\$ 36.45	\$ 38.26	\$ 40.18				1/3/2022	General Employees	Non-Exempt
Public Works Superintendent	\$ 64.13	\$ 67.33	\$ 70.70	\$ 74.24	\$ 77.95				1/3/2022	Mid-Management/Professional	Exempt
Public Works Supervisor	\$ 49.01	\$ 51.47	\$ 54.04	\$ 56.74	\$ 59.58				1/3/2022	Mid-Management/Professional	Exempt
Public Works Team Leader	\$ 44.47	\$ 46.80	\$ 49.27	\$ 51.87	\$ 54.59				1/3/2022	Mid-Management/Professional	Exempt
Receptionist	\$ 27.51	\$ 28.88	\$ 30.33	\$ 31.84	\$ 33.45				1/3/2022	General Employees	Non-Exempt
Receptionist (Part-time)	\$ 28.05	\$ 29.45	\$ 30.92	\$ 32.48	\$ 34.10				1/3/2022	Unrepresented	Non-Exempt
Recreation Leader	\$ 17.75	\$ 18.63	\$ 19.57	\$ 20.54	\$ 21.57				1/3/2022	Unrepresented	Non-Exempt
Recreation Leader Aide	\$ 13.78	\$ 14.47	\$ 15.20	\$ 15.96	\$ 16.76				1/3/2022	Unrepresented	Non-Exempt
Recreation Manager	\$ 60.32	\$ 63.33	\$ 66.49	\$ 69.83	\$ 73.31				1/3/2022	Mid-Management/Professional	Exempt
Recreation Program Coordinator	\$ 30.51	\$ 32.56	\$ 34.19	\$ 35.90	\$ 37.69				1/3/2022	General Employees	Non-Exempt
Recreation Supervisor	\$ 44.56	\$ 46.80	\$ 49.13	\$ 51.58	\$ 54.17				1/3/2022	Mid-Management/Professional	Exempt
Regional Compliance Program Manager	\$ 51.14	\$ 53.83	\$ 56.66	\$ 59.65	\$ 62.78				1/3/2022	Mid-Management/Professional	Exempt
Reserve Police Officer	\$ 32.61	\$ 34.24	\$ 35.95	\$ 37.74	\$ 39.64				1/3/2022	Unrepresented	Non-Exempt
Senior Accounting Assistant	\$ 32.38	\$ 34.02	\$ 35.71	\$ 37.51	\$ 39.36				1/3/2022	General Employees	Non-Exempt
Senior Civil Engineer	\$ 64.44	\$ 67.67	\$ 71.05	\$ 74.61	\$ 78.34				1/3/2022	Mid-Management/Professional	Exempt
Senior Human Resources Analyst	\$ 48.86	\$ 51.29	\$ 53.87	\$ 56.55	\$ 59.37				1/3/2022	Confidential	Exempt
Senior Management Analyst	\$ 47.89	\$ 50.28	\$ 52.80	\$ 55.43	\$ 58.20				1/3/2022	Mid-Management/Professional	Exempt
Senior Planner	\$ 55.10	\$ 57.85	\$ 60.74	\$ 63.79	\$ 66.97				1/3/2022	Mid-Management/Professional	Exempt
Senior Recreation Leader	\$ 22.78	\$ 23.91	\$ 25.11	\$ 26.36	\$ 27.69				1/3/2022	Unrepresented	Non-Exempt
Sustainability Manager	\$ 51.14	\$ 53.83	\$ 56.66	\$ 59.65	\$ 62.78				1/3/2022	Mid-Management/Professional	Exempt
Special Assistant	\$ -	\$ -	\$ -	\$ -	\$ -			\$12.00-\$75.00	1/3/2022	Unrepresented	Non-Exempt
Spe Coun-Maj Dev Pro	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 175.04		1/3/2022	Confidential Management	Exempt
Swim Instructor	\$ 17.54	\$ 18.41	\$ 19.34	\$ 20.31	\$ 21.33				1/3/2022	Unrepresented	Non-Exempt
Van Driver	\$ 16.49	\$ 17.33	\$ 18.20	\$ 19.12	\$ 20.07				1/3/2022	Unrepresented	Non-Exempt
Water Quality Technician	\$ 33.06	\$ 34.71	\$ 36.45	\$ 38.26	\$ 40.18				1/3/2022	General Employees	Non-Exempt

File Attachments for Item:

H. Adopt Ordinance No. 670, waiving second reading, to Amend Section 1.16.060 of the Brisbane Municipal Code Concerning the Amount of Administrative Fines for Violations Of The City's Short Term Residential Rental Ordinance

**CITY COUNCIL MEMO****Meeting Date: January 20, 2022****From: Ingrid Padilla, City Clerk**

Subject: Adopt Ordinance No. 670, waiving second reading, to Amend Section 1.16.060 of the Brisbane Municipal Code Concerning the Amount of Administrative Fines for Violations Of The City's Short Term Residential Rental Ordinance

The Ordinance listed above was introduced at the City Council Meeting of November 18, 2021. The Ordinance has been renumbered as Ordinance No. 670. It is on this agenda for consideration of adoption.

Attachment: Staff Report from the City Council Meeting of November 18, 2021



CITY COUNCIL

Meeting Date: November 18, 2021

From: Michael Roush, Legal Counsel

Subject: Ordinance No. 668 Ordinance to Impose Higher Administrative Citation Fines for Violations of the City's Short Term Residential Rental Ordinance

Recommendation: Introduce the attached Ordinance.

Background

In lieu of issuing violators of local ordinances criminal citations, the California Government Code authorizes local agencies to issue administrative citations for such violations. Typically, these procedures are more streamlined than in the criminal court context. The City has adopted administrative citation procedures and they are set forth in Chapter 1.16 of the Brisbane Municipal Code.

The Government Code limits the amount of the administrative fines that may be imposed on violators: for the first offense, \$100; for the second offense with a 12-month period, \$200; and for the third and any subsequent offense within a 12 month period, \$500. Although the amount of these fines is not significant, they are sufficiently high that most violators will choose to comply rather than continue to face \$500 fines for violating an ordinance.

Cities throughout the State, however, that have adopted ordinance concerning short term residential rentals ("STR") have discovered that the amount of the fines pursuant to administrative citations have not been a sufficient deterrent to property owners violating a city's STR ordinance. In other words, property owners that are charging several hundred dollars a night in rent on a short term basis may well choose to pay a \$500 fine and continue to rent on a short term basis, notwithstanding their lack of compliance with the local STR ordinance.

In response, the State Legislature passed and the Governor signed into law, on an urgency basis, legislation (SB 60) that authorizes cities to set higher monetary penalties for violations of STR ordinances where the violation poses a threat to public health or safety. Under the new law, a city may impose a fine up to \$1500 for the first offense, a \$3000 fine for a second offense within a 12 month period, and fine up to \$5000 for a third and any subsequent offense within a 12 month period. Imposing these higher fines is discretionary; not mandatory.

Discussion

Although the number of property owners in Brisbane illegally engaging in short term rentals has dropped, there are still a limited number of property owners engaging in unauthorized STR activities. Council is aware of at least one owner who, notwithstanding receiving numerous citations for violating the City's STR ordinance, continued to rent the unit without a permit to do so. Neighbors affected by this unpermitted activity complained of late-night noise and cars parked illegally and haphazardly, both of which constituted threats to public health of safety.

Staff has drafted an ordinance for Council's consideration to adopt these higher penalties for violation of the City's STR ordinance. As permitted by statute, the draft ordinance imposes fines of \$1500 for the first offense, \$3000 for the second offense, and \$5000 for the third and any subsequent offense. In considering whether to introduce/adopt this Ordinance, Council has the discretion to reduce these amount of fines for the various offenses. For example, Council could impose a \$500 fine for the first offense, a \$1500 fine for the second offense, but leave the \$5000 fine for the third and subsequent offenses.

Because there have been issues with property owners' complying with the City's STR ordinance, staff recommends that Council adopt higher fines for these violations. Facing the prospect of higher fines will undoubtedly motivate most property owners to comply with the STR ordinance.

Fiscal Impact

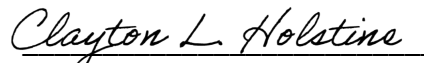
Adopting the ordinance will have no impact on the General Fund as enforcement activities, such as the City's contract with Host Compliance (to monitor and report STR activity in the City) are already funded.

Attachment

Ordinance No. 668



Michael Roush
Legal Counsel



Clayton Holstine
City Manager

ORDINANCE NO. 668

AN ORDINANCE OF THE CITY OF BRISBANE TO AMEND SECTION 1.16.060 OF THE BRISBANE MUNICIPAL CODE CONCERNING THE AMOUNT OF ADMINISTRATIVE FINES FOR VIOLATIONS OF THE CITY'S SHORT TERM RESIDENTIAL RENTAL ORDINANCE

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

SECTION 1. Section 1.16.060 of the Brisbane Municipal Code is amended to read as follows:

"1.16.060 Amount of administrative citation fines.

- A. Amount of Fine. Except as set forth in subsection C of this Section 1.16.060, any party to whom an administrative citation has been issued shall be responsible for payment of a fine for violating the applicable law specified in the citation, determined as follows:
 - 1. One hundred dollars (\$100) for a first citation;
 - 2. Two hundred dollars (\$200) for a second citation for the same violation within 12 consecutive months;
 - 3. Five hundred dollars (\$500) for each additional citation for the same violation within 12 consecutive months.

(Subsection B, no change).

- C. Amount of fine for violations of the City's Short Term Rental Ordinance. Any party to whom an administrative citation has been issued for a violation of the City's Short Term Residential Rental Ordinance (currently Ordinance No. 655, codified in Chapter 17.35 of the Brisbane Municipal Code), or any subsequently amended Short Term Residential Rental Ordinance, and where the violation posed a threat to public health or safety, shall be responsible for payment of a fine for violating the applicable law specified in the citation, determined as follows:
 - 1. Fifteen hundred dollars (\$1500) for the first citation;
 - 2. Three thousand dollars (\$3000) for the second citation for the same violation within 12 consecutive months;
 - 3. Five thousand dollars (\$5000) for each additional citation for the same violation within 12 consecutive months.

SECTION 2: This Ordinance shall be in full force and effect 30 days after its passage and adoption.

Karen Cunningham
Mayor of the City of Brisbane

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

AYES:

NOES:

ABSENT:

ABSTAIN

ATTEST:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas R. McMorrow, City Attorney

File Attachments for Item:

I. Adopt a Resolution Setting the Dates of Regular Meetings of the Brisbane/Guadalupe Valley Municipal Improvement District Financing Authority



BRISBANE/GUADELUPE VALLEY MUNICIPAL IMPROVEMENT DISTRICT FINANCING AUTHORITY AGENDA REPORT

Meeting Date: 1/20/22

From: Stuart Schillinger, Assistant City Manager

Subject: Adopt a Resolution Setting the Dates of Regular Meetings of the Brisbane/Guadelupe Valley Municipal Improvement District Financing Authority

Community Goal/Result

Financial Stability

Purpose

Allow the public to be aware of when the B/GVMID Financing Authority will meet. The Financing Authority can only take actions to sell Bonds during regularly scheduled meetings.

Recommendation

Approve the attached setting the schedule for regular meetings of the B/GVMID for Fiscal Year 21/22.

Background

The Brisbane/Guadelupe Valley Municipal Improvement District Financing Authority was created as an agency to allow the City to sell lease revenue bonds. It was created after the dissolution of the Brisbane Redevelopment Agency which dissolved the City's previous Financing Authority.

Discussion

At the December 9, 2021 meeting the City Council directed staff to explore the sale of a bond to reimburse the City's General Fund for the purchase of the Bank of America site. Bond documents and the sale of the bond can only be approved at regularly scheduled Financing Authority meetings. The Financing Authority does not currently have regularly scheduled meetings so these need to be set up by passing a resolution.

The resolution calls for scheduled meetings to be held in conjunction with City Council meetings on February 3rd, February 17th, May 5th, May 19th, June 2nd, and June 16th of 2022. This will allow the Financing Authority to take action bond for the purchase of the Bank of America site and a potential bond sale for capital projects for the Water and Wastewater system.

Adopt a Resolution Setting the Dates of Regular Meetings of the
Brisbane/Guadelupe Valley Municipal Improvement District Financing
Authority

Fiscal Impact

There is no fiscal impact of setting regular meetings of the Financing Authority. Any potential bond sale will be brought before the Financing Authority and the financial impact of the bonds will be explained during those meetings.

Measure of Success

The City and the Financing Authority can ensure long-term financial stability by allowing needed projects of the City to be paid over time as revenues are available.

Stuart Schillinger

Stuart Schillinger, Assistant City Manager

Clayton L. Holstine

Clay Holstine, City Manager

**BRISBANE/GUADALUPE VALLEY MUNICIPAL
IMPROVEMENT DISTRICT FINANCING AUTHORITY**

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BRISBANE/GUADALUPE VALLEY MUNICIPAL IMPROVEMENT DISTRICT
FINANCING AUTHORITY ESTABLISHING REGULAR MEETING DATES FOR
2022**

WHEREAS, pursuant to the provisions of the Joint Exercise of Powers Act, comprising Articles 1, 2, 3 and 4 of Chapter 5 of Division 7 of Title 1 (commencing with section 6500) of the California Government Code (the "JPA Act"), the City of Brisbane, California (the "City"), and the Guadalupe Valley Municipal Improvement District entered into a joint exercise of powers agreement (the "Agreement") pursuant to which the Authority was created;

WHEREAS, the Board of Directors of the Authority (the "Board") desires to establish regular meeting dates for the Authority in calendar year 2022.

NOW, THEREFORE, the Board resolves as follows:

Section 1. Regular Meeting Dates for 2022. The Board hereby determines that February 3, 2022, February 17, 2022, May 5, 2022, May 19, 2022, June 2, 2022, and June 16, 2022, shall be established as a regular meeting dates of the Authority for calendar year 2022. On such dates the meeting shall be held in conjunction with the City Council meetings of the City of Brisbane and held in the City Council Chambers, City of Brisbane City Hall, 50 Park Place, Brisbane, California. If no action is required of the Authority on any such dates, those meetings may be cancelled.

Section 2. Effective Date. This Resolution shall take effect from and after its adoption.
=

* * * * *

I hereby certify that the foregoing Resolution was adopted by the Board of Directors of the Brisbane/Guadalupe Valley Municipal Improvement District Financing

Authority at a regular meeting of the Board of Directors held on January 20, 2022, by the following vote:

Ayes: _____ Boardmembers: _____

Noes: Boardmembers: _____

Absent: _____ Boardmembers: _____

Secretary

File Attachments for Item:

J. Adopt a Resolution Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic and Confirming and Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic



CITY COUNCIL AGENDA REPORT

Meeting Date: January 20, 2022

From: Clay Holstine, City Manager

Subject: Resolution Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic and Confirming and Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic

Community Goal Results: Safe Community

Recommendation: Adopt the attached resolution.

Background

The COVID-19 Coronavirus has been declared a pandemic by the World Health Organization and has prompted various government agencies to take action in response. In March 2020, the Governor declared a Statewide Emergency, the County Board of Supervisors declared a County wide State of Emergency and the City Manager, as Emergency Services Director, proclaimed a local emergency on March 16, 2020. On March 19, 2020, the City Council ratified and confirmed the Director of Emergency Service's proclamation of a local emergency which allowed staff to expeditiously respond to the emergency circumstances caused by the pandemic.

Since that time, the City Council has extended the local emergency numerous times as State law requires that such local emergencies be reviewed every 60 days. The last extension was November 18, 2021. Notwithstanding that many of the restrictions that were imposed since March 2020 have been lifted, the Governor has not rescinded the Statewide Emergency. Moreover, variants of the virus have emerged that require keeping in place such restrictions. In light of that, staff continues to recommend that the local emergency, for now, remain in place.

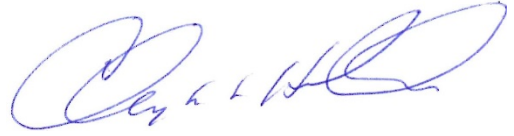
Discussion

Government Code Section 8630(c) requires that, "the governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency." Because the City Council will not meet in regular session until January 20, 2022 and the declaration of local emergency would otherwise expire prior to that date, the City Manager, in his role as Director of Emergency Services, proclaimed on January 14, 2022 the continued existence of the local emergency as a result of the COVID-19 pandemic.

At this time, staff is recommending that the City Council adopt a resolution ratifying the Director of Emergency Services' proclamation continuing the existence of a local emergency in response to the COVID-19 pandemic, confirming and declaring the continued existence of a local emergency, and directing staff to continue to respond appropriately to the local emergency.

Financial Impact

There is no direct financial impact from City Council taking this action.



Clay Holstine, City Manager

Attachments:

1. Proclamation Declaring the Continued Existence of a Local Emergency
2. Resolution Confirming and Ratifying the Proclamations of the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic and Confirming and Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic

Proclamation of Continuation of Local Emergency by the Director of Emergency Services

WHEREAS, Section 2.28.060 of the City of Brisbane Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency, or to proclaim the continued existence of a local emergency, when said City is affected or likely to be affected by a public calamity and the City Council is not in session, and;

WHEREAS, the Director of Emergency Services of the City of Brisbane does hereby find;

Conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the COVID-19 pandemic which began on about March 16, 2020; and

These conditions were, and are likely to continue to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

The Brisbane City Council ratified earlier proclamations of Local Emergency by the Director of Emergency Services, declared a Local Emergency, and on several occasions continued the declaration of the Local Emergency, which declaration has not been rescinded; and

Government Code, Section 8630 requires local agencies that have declared local emergencies to review the existence of such emergencies every 60 days to determine whether the local emergency continues to exist; and

The City Council of the City of Brisbane most recently extended the local emergency on November 18, 2021; and

The City Council of the City of Brisbane is not scheduled to meet in regular session until January 20, 2022 (a few days beyond the 60 days by which a local agency is to determine whether the local emergency continues to exist) and it is not practical to call a special meeting prior to that time; and

Conditions of extreme peril to the safety of persons and property continue to exist within the City, caused by the COVID-19 pandemic.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency due to the COVID 19 pandemic continues to exist throughout the City; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this City, and by the City of Brisbane Emergency Operations Plan, as previously approved by the City Council.

This emergency proclamation shall expire on January 21, 2022 unless confirmed and ratified by the governing body of the City of Brisbane on or before January 20, 2022.

Dated: January 14, 2022



Clayton Holstine, Director of Emergency Services

RESOLUTION NO. 2022-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE RATIFYING THE PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES TO EXTEND THE LOCAL EMERGENCY IN RESPONSE TO THE COVID-19 PANDEMIC AND CONFIRMING AND DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO THE COVID-19 PANDEMIC**

WHEREAS, Section 2.28.060 of the Brisbane Municipal Code empowers the City Manager/Director of Emergency Services to proclaim a local emergency if the City Council is not in session and requires the City Council to take action to ratify the proclamation thereafter; and

WHEREAS, conditions of extreme peril to the health, safety and welfare of persons have arisen in the world, the nation, the State, the County of San Mateo and the City of Brisbane due to the following:

A novel coronavirus (named COVID-19 by the World Health Organization) was first detected in December 2019. The Center for Disease Control and Prevention (CDC) has stated that COVID-19 and its variants are a serious public health threat, based on current information. Cases of COVID-19 have been, and continue to be, diagnosed throughout the world, the United States, the State of California, the County of San Mateo and the City of Brisbane.

The exact modes of transmission of COVID-19, the factors facilitating human to human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation. There are now approved vaccine or specific anti-viral treatment for COVID-19 but not all persons have chosen to be vaccinated, there is no approved vaccine for children four years old or younger, and the immunization provided by these vaccines may not be as effective against all variants of the virus.

Due to COVID-19 pandemic, in March 2020 the Governor of the State of California declared a State of Emergency for the State and the City of Brisbane's Director of Emergency Services declared a Local Emergency on March 16, 2020 and the City Council of the City of Brisbane ratified the Proclamation of a Local Emergency on March 19, 2020; and

WHEREAS, the City Council of the City of Brisbane has extended the Local Emergency on several occasions, most recently on November 18, 2021, extending the Local Emergency for an additional 60 days; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, did proclaim on January 14, 2022 the continued existence of a Local Emergency because the City Council would not be in regular session until January 20, 2022; and

WHEREAS, for the reasons expressed above, conditions of extreme peril and a serious threat to the public health, safety and welfare have arisen, and continue to exist in the City of

Brisbane; and

WHEREAS, the City Council does hereby find that the above described conditions of extreme peril and serious threat to the public health, safety, and welfare did warrant and necessitate the existence of a Local Emergency in the City of Brisbane and those conditions continue at this time.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BRISBANE DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

Section 1. During the existence of the Local Emergency, the powers, functions, and duties of the Director of Emergency Services and the Emergency Organization of the City shall be those prescribed by State law, ordinances and resolutions of the City of Brisbane, and by the City of Brisbane Emergency Operation Plan.

Section 2. The City Council ratifies the proclamation of the Director of Emergency Services to extend the Local Emergency in response to the COVID-19 pandemic.

Section 3. The City Council confirms the conditions giving rise to the Local Emergency continue to exist in the City and and declares the continuation of the Local Emergency in response to the COVID-19 pandemic.

Section 4. This resolution is effective immediately upon its passage and adoption.

Mayor of the City of Brisbane

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on January 20, 2022.

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on January 20, 2022 by the following vote:

AYES:

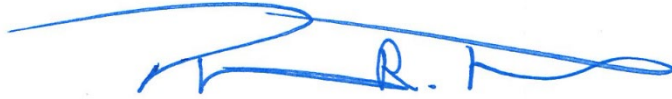
NOES:

ABSENT:

ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, Interim City Attorney

File Attachments for Item:

K. Adopt a Resolution Ratifying Proclamation of the Director of Emergency Services to Continue Conducting City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public, and Declaring the Continued Need to Conduct Such Meetings Remotely Due to Health and Safety Concerns for the Public



CITY COUNCIL AGENDA REPORT

Meeting Date: January 20, 2022

From: Clay Holstine, City Manager

Subject: Adoption of a Resolution Ratifying the Proclamation of the Director of Emergency Services to Continue Conducting City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public, and Declaring the Continued Need to Conduct Such Meetings Remotely Due to Health and Safety Concerns for the Public

COMMUNITY GOAL RESULTS

Safe Community

Ensuring Public Meetings Remain Open to the Public

RECOMMENDATION

Staff recommends that the City Council adopt a resolution ratifying the proclamation of the Director of Emergency Services to continue conducting the meetings of the City Council, Commissions and Committees a remotely due to health and safety concerns for the public and declaring the continued need to conduct such meetings remotely due to health and safety concerns for the public.

BACKGROUND

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

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

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

In September, October and November 2021 the City Council found that the City met the requirements of AB 361, namely, the declared state of emergency proclaimed by the state (as well as one by the City) remained in place; state and local health officials continued to recommend that residents observe social distancing and take other protective measures; and the City determined that there was a need to hold public meetings remotely due to imminent risks to the health and safety of attendees. The Council therefore adopted Resolutions directing that the City continue to conduct public meetings normally scheduled for City Hall via Zoom to protect the health and safety of the public.

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

City Council last made the necessary findings on November 18, 2021. No City Council meetings were scheduled, however, after December 9, 2021. Even though no meetings were scheduled or conducted after December 18, 2021, the Director of Emergency Services signed a Proclamation on December 18, 2021 that embodied the necessary findings to permit City Council, Commission and Committee meetings to be conducted remotely through January 20, 2022.

DISCUSSION

The requirements to allow public meetings to be conducted remotely continue: there is a declared state of emergency; state and local officials have imposed measures to promote social distancing; and there continues to be a need to hold public meetings remotely due to imminent risks to the health and safety of attendees.

ACTION

Staff recommends that the City Council adopt the attached Resolution ratifying the proclamation of the Director of Emergency Services and making the findings required under AB 361, to require the public meetings of the City Council, Commissions and Committees normally scheduled for City Hall through February 18, 2022 be held remotely or in hybrid fashion to protect the health and safety of the public.

FISCAL IMPACT

There is no fiscal impact.

- Attachment:** 1. Resolution 2022-XX
2. Proclamation of the Director of Emergency Services
3. Assembly Bill 361



Clay Holstine, City Manager

RESOLUTION NO. 2022-XX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
RATIFYING THE PROCLAMATION OF THE DIRECTOR OF
EMERGENCY SERVICES TO CONTINUE THE NEED FOR THE CITY
COUNCIL, COMMISSIONS AND COMMITTEES TO CONTINUE TO
MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND
SAFETY OF THE PUBLIC AND DECLARING THE NEED TO
CONTINUE FOR SUCH MEETINGS TO BE HELD REMOTELY FOR
THE HEALTH AND SAFETY OF THE PUBLIC**

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

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

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

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

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

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

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

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

WHEREAS, because of the rise in cases due to the Delta and Omicron variant, the State, San Mateo County and the City Council are concerned about and desire to protect the health and safety of individuals who might otherwise attend Council, Committee and Commission meetings;

WHEREAS, the City Council of the City of Brisbane adopted Resolution No. 2021-71 on November 18, 2021 and Resolution No. 2021-69 on October 21, 2021 declaring the need for the City Council, Committees, and Commissions to continue to meet remotely in order to ensure the health and safety of the public; and

WHEREAS, on December 18, 2021 the Director of Emergency Services issued a Proclamation that there was a continued need for the City Council, Commissions and Committees to meet remotely in order to ensure the health and safety of the public; and

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

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

1. The City Council ratifies the Proclamation of the Director of Emergency Services issued on December 18, 2021 that meetings of the City Council, Commissions and Committees be conducted remotely in order to protect the health and safety of the public.
2. In compliance with AB 361, the City Council has reviewed and makes the following findings:
 - a. The state, San Mateo County and the City have each proclaimed a state of emergency due to the Coronavirus pandemic;
 - b. San Mateo County has issued a public health order requiring that individuals in public spaces wear masks and socially distance, but the City cannot maintain social distancing for the public, staff, councilmembers, commissioners, and committee members in its meeting spaces; and
 - c. The City Council has considered these circumstances and concludes that it, City Committees and City Commissions must meet remotely due to imminent risks to the health and safety of attendees if the Council, Committees or Commissions meet in City facilities.
3. Based on the foregoing, the City Council declares that to protect the safety and health of the public, City Council, Committee and Commission meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361.
4. The City Council will revisit the need to conduct public meetings remotely within 30 days of the adoption of this resolution.

Mayor

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on January 20, 2022.

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on

January 20, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, Interim City Attorney

Proclamation by the Director of Emergency Services to Declare the Need for the City Council, Commissions, and Committees to Meet Remotely in Order to Ensure the Health and Safety of the Public

WHEREAS, Section 2.28.060 of the City of Brisbane Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency, or to proclaim the continued existence of a local emergency, when said City is affected or likely to be affected by a public calamity and the City Council is not in session, and to take all necessary steps to protect the health and safety of the public, and;

WHEREAS, the Director of Emergency Services of the City of Brisbane does hereby find;

Conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the COVID-19 pandemic which began on about March 16, 2020; and

The Brisbane City Council has declared a Local Emergency due to the COVID-19 pandemic and, pursuant to State law, has adopted resolutions the Council, Commission and Committee meetings be conducted remotely due to the imminent risks to the health and safety of attendees.

State law provides that City Councils are to review the need to conduct meetings remotely every 30 days; and

The City Council of the City of Brisbane most recently reviewed such need of November 18, 2021 and made the necessary findings to require such meetings be conducted remotely; and

No meetings were scheduled or have occurred since December 9, 2021, no meetings are scheduled before January 20, 2022, and the City Council of the City of Brisbane is not scheduled to meet in regular session until January 20, 2022; and

Conditions of extreme peril to the safety of persons and property continue to exist within the City, caused by the COVID-19 pandemic, and the requirements of State law to permit meetings be conducted remotely continue to exist, namely: the State, San Mateo County and the City of Brisbane have each proclaimed a State of Emergency due the COVID-19 pandemic; The Health Officer of the County of San Mateo has issued a public health order requiring that individuals in public spaces wear masks and socially distance, but the City cannot provide for social distancing at its facilities for the public, Council, Commissions, Committees and staff; and meetings must be conducted remotely due to imminent risks to the health and safety of attendees if the Council, Commissions and Committees were to meet in City facilities.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that based on the foregoing, in order to protect the safety of the public, the City Council, Commissions, Committees, and staff, meetings will continue to be conducted remotely in compliance with State law.

This Proclamation shall expire on January 21, 2022 unless the City of Brisbane on or before January 20, 2022 has adopted a resolution ratifying this Proclamation and declaring the need of the City Council, Commissions and Committees to continue to meet remotely.

Dated: December 18, 2021



Clayton Holstine, Director of Emergency Services



California

LEGISLATIVE INFORMATION

ENROLLED SEPTEMBER 15, 2021

PASSED IN SENATE SEPTEMBER 10, 2021

PASSED IN ASSEMBLY SEPTEMBER 10, 2021

AMENDED IN SENATE SEPTEMBER 03, 2021

AMENDED IN SENATE AUGUST 30, 2021

AMENDED IN SENATE JULY 06, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 06, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 361

Introduced by Assembly Member Robert Rivas

February 01, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

DIGEST KEY

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

BILL TEXT

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

SECTION 1.

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

89305.6.

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

SEC. 2.

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

11133.

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

SEC. 3.

Section 54953 of the Government Code is amended to read:

54953.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

SEC. 3.1.

Section 54953 of the Government Code is amended to read:

54953.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

SEC. 4.

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

54953.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 4.1.

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

54953.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 5.

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

SEC. 6.

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

SEC. 7.

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

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

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

SEC. 8.

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

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

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

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

SEC. 9.

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

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

File Attachments for Item:

L. Consider Introduction of an Ordinance to amend Brisbane Municipal Code Title 17 (Zoning Ordinance) to achieve consistency with housing-related state legislation passed in 2017 and after.

(Proposed amendments include: establishing objective design and development standards for housing development projects; allowing multiple family dwellings in the SCRO-1 District by right; allowing multiple family dwellings as part of a mixed use in the NCRO-2 Zoning District by right; establishing residential density requirements for the NCRO-2 Zoning District; reducing guest parking requirements; and establishing procedures and requirements for an administrative Housing Development Permit for qualifying housing development projects.)



CITY COUNCIL AGENDA REPORT

Meeting Date: January 20, 2022

From: John Swiecki, Community Development Director

Subject: Objective Design and Development Standards - Draft Ordinance

Community Goal/Result

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

Purpose

To comply with state housing law by amending the Brisbane Municipal Code (BMC) to establish objective design and development standards for housing development projects; allow multiple family dwellings in the SCRO-1 District by right; allow multiple family dwellings as part of a mixed use in the NCRO-2 Zoning District by right; establish residential density standards for the NCRO-2 Zoning District; and establish procedures and requirements for an administrative Housing Development Permit for qualifying housing development projects.

Recommendation

1. That the City Council introduce the Ordinance (Attachment 1) and waive the first reading.

Background

Due to several changes in State Law since 2017, specifically Senate Bill 35 and the Housing Accountability Act, California cities must streamline the process for reviewing certain housing development proposals. In general, State law limits the City's discretion in reviewing housing projects to verifying that they comply with objective development standards (ODDS). ODDS provide predictability to the community and developers upfront in the development process, and require no interpretation or personal judgment, as opposed to subjective standards that require interpretation and may cause different people to disagree based on personal perspectives.

If the City does not adopt ODDS, the City will have very little control over the design of new housing developments. The Planning Commission would continue to review projects under the current Design Review regulations but would not be able to deny or reduce the number of units within housing development proposals based on noncompliance with subjective Design Review findings. For certain projects submitted to the City under SB 35 streamlining, the City would be required to review the application under a ministerial process, without any discretionary review

or local guidance on design and standards. Adopting ODDS will allow the City “front-load” housing development standards and to promote high-quality design in new housing development projects in the absence of a discretionary process.

In 2019 the State made grant funds available to cities to cover the cost of compliance with these new requirements, and the City applied for and obtained grant approval. The City hired consultants Good City Co. in August 2020 for the ODDS Program. Major tasks included community outreach to understand the community’s design preferences, studies of opportunities and constraints to residential development in zoning districts with subjective development standards, and drafting updated zoning ordinance language.

Study sessions were held at the Planning Commission in February 2021 and City Council in July 2021. The Planning Commission considered the draft ordinance at its meetings of October 28 and November 16, 2021. The attached draft Ordinance (Attachment 1) was unanimously (5 ayes) recommended for Council adoption by the Commission at its November 16, 2021 meeting. The Commission’s resolution of approval, agenda reports and minutes from the October 28 and November 16 meetings are attached for Council reference (Attachment 3).

Community Outreach

As described in attached Planning Commission staff reports, the City and consultant team conducted an extensive community engagement program throughout 2021 which included:

- Visual Preference Survey: January 2021
- Introductory Community Workshop: April 6, 2021
- Objective Standards Photo Survey: July-August 2021
- Pop-up Open House at the Farmers Market: August 12, 2021
- Pop-up Open House at the Brisbane Library: August 16-31, 2021
- A [virtual walking tour](#) of objective standards and design elements in neighboring Peninsula cities, video and maps released July 1, 2021

Through these outreach activities, the community indicated support for upper-level step-backs, articulation, usable outdoor space along street, variation of material, color, and texture, and generous storefront glazing. The Draft Ordinance has incorporated community outreach results into the objective standards, to ultimately create housing projects designed around community preference.

Discussion

The draft ordinance would:

- establish objective design and development standards for housing development projects;
- establish procedures and requirements for an administrative Housing Development Permit for qualifying housing development projects.

- allow multiple family dwellings in the SCRO-1 District by right; allow multiple family dwellings as part of a mixed use in the NCRO-2 Zoning District by right;
- and establish residential density requirements for the NCRO-2 Zoning District.

Below is a brief summary of the proposed amendments. Further description is included in the Planning Commission staff reports included in Attachment 3.

Establishment of Objective Design and Development Standards

The draft ordinance includes new provisions (Section 17.45.030 of the Draft Ordinance in Attachment A) related to objective design and development standards that housing development projects are required to meet. These include:

- Massing and Articulation. Requires recesses and projections in the front, street side, and rear building facades that add visual interest to the building design.
- Stepbacks. Requires increased setbacks for the upper stories of buildings, thereby requiring them to “step back” and decrease the perceived height of a building from a pedestrian’s vantage point.
- Ground Floor Requirements. Includes transparency requirements and a minimum height for non-residential ground floor uses to create an active pedestrian environment in mixed use districts.
- Materials. General regulations for building materials are included, such as requiring a change in materials between the ground floor and upper stories, carrying the same materials on all elevations, requiring consistency of materials with the architectural style, and requiring that durable materials are used.
- Parking Design Standards. Establishes parking design standards to minimize the visual prominence of covered and uncovered parking areas.
- Open Space Requirements. Functional usable open space would be required for housing development projects consistently across zoning districts.

Housing Development Permit Procedure

The Draft Ordinance establishes a new review process, called Housing Development Permits (HDP). The approval authority for the HDP would be the Zoning Administrator (ZA) and the process would involve public notification and a published staff report analyzing a project’s consistency with objective standards. A public meeting would be held if there is public objection to the staff determination. If no objections are received, the Zoning Administrator may take action without a public meeting. As State Law has limited the power of decision-making bodies and the public to modify or deny Housing Development Projects that comply with objective standards, these procedural changes intend to balance providing the public with information about new projects without imposing subjective review that is inconsistent with state law.

Permit multiple family dwelling units in SCRO-1 and NCRO-2 Districts by right.

Uses are considered to be permitted “by-right” if the development may proceed under zoning and local land use regulations without the need for a special permit, variance, amendment, waiver or other discretionary approval. The Draft Ordinance would modify the Brisbane Municipal Code to permit multiple family dwelling units in the SCRO-1 District by right and in the NCRO-2 District as part of a mixed-use project by right. In the current code, these uses are permitted subject to the granting of a conditional use permit. Given changes to State law described above, the conditional use permit is no longer a legally acceptable mechanism to for reviewing Housing Development Projects, as the city’s use permit findings are inherently subjective.

Establish Residential Density in the NCRO-2 District.

The current standards in the NCRO-2 District Chapter of the Brisbane Municipal Code state that residential density shall be set by the Conditional Use Permit for mixed use projects. Given that the Draft Ordinance would allow mixed-use projects by right, establishing permitted residential densities is necessary. The City and consultant team evaluated mixed-use projects recently approved by the Planning Commission through a Conditional Use Permit to set forth a residential density standard that was consistent with recent approvals. The Draft Ordinance includes a density standard of 600 square feet per dwelling unit, which would allow up to 4 units on a typical NCRO-2 lot of 25 feet wide by 100 feet deep.

Parking

As parking is one of the most significant constraints for projects, especially with the small lot sizes in the NCRO-2 District, the consultant and City team reviewed parking regulations among peninsula jurisdictions and found that while Brisbane’s overall multifamily residential parking requirements were consistent with neighboring jurisdictions, guest parking requirements were far higher. The Draft Ordinance presented to the Planning Commission recommended lowering the guest parking requirement from 1 space per 5 units for projects of 5 units or more to 1 space per 10 units for projects of 10 units or more. However, the Planning Commission recommended keeping guest parking requirements consistent, so the proposed amendments to Chapter 17.34 have been removed from the Draft Ordinance.

An additional finding of the constraints analysis was that meeting both the parking requirements and the minimum 600 square-foot ground floor storefront requirement is not feasible for narrow lots in the NCRO-2 District. The Planning Commission considered additional language for Section 17.14.060 (H) of the Draft Ordinance and recommended reducing the required storefront space for narrow lots, as follows: “The minimum floor area for a storefront use for lots of 30 feet in width or less is two hundred and fifty (250) square feet.”

Fiscal Impact

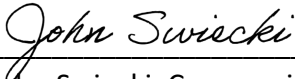
None. Permit application fees will be established to cover the processing costs of future applications.

Measure of Success

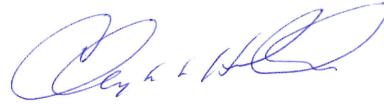
Objective design standards and permit processing procedure that allow the City to require high-quality design in new housing developments consistent with State law.

Attachments

1. Draft Ordinance
2. Redline of Amended Chapters
3. Planning Commission agenda reports and minutes for October 28 and November 16, 2021 meetings and Planning Commission Resolution RZ-2-21



John Swiecki, Community Development Director



Clay Holstine, City Manager

draft
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BRISBANE ADDING SECTIONS 17.02.425, 17.02.565, 17.02.655, 17.02.748, and 17.14.035; ADDING CHAPTER 17.45; DELETING SECTION 17.42.045; AND AMENDING SECTIONS 17.02.050, 17.10.040, 17.10.050, 17.14.010, 17.14.020, 17.14.040, 17.14.050, 17.14.060, 17.14.070, 17.14.110, 17.16.010, 17.16.020, 17.16.030, 17.16.040, 17.16.050, 17.16.060, 17.16.100, 17.16.110, 17.42.010, 17.42.020, 17.42.040, AND 17.56.030 OF THE BRISBANE MUNICIPAL CODE CONCERNING OBJECTIVE DESIGN STANDARDS AND HOUSING DEVELOPMENT PERMITS

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

SECTION 1: Section 17.02.050 is amended and Sections 17.02.425, 17.02.565, 17.02.655, and 17.02.748 are added as follows:

17.02.425 Housing Development Project.

“Housing Development Project” means a use consisting of any of the following: two or more residential units only; a mixed-use development consisting of two or more residential units and one or more nonresidential uses with at least two-thirds of the square footage designated for residential use; or transitional housing or supportive housing, as defined by California Government Code §50801, subdivision (i) or successor provisions. A Housing Development Project may consist of attached or detached residential units and may occupy more than one parcel, so long as the Housing Development Project is included in the same development application. This definition shall be superseded by changes to California Government Code §65589.5, subdivision (h)(2), or successor provisions.

17.02.050 - Articulation.

“Articulation” means changes of plane on the outside wall of a building such as provided by decks, bays, and other projections or recesses. Articulation also includes voids resulting from a change in the shape of the outside wall. The minimum offset requirement by permit type is as follows:

- A. Housing Development Permits: a minimum of one foot of offset in a plane
- B. Design Permits: a minimum of two feet of offset in a plane

17.02.565 Objective design standard.

“Objective design standard,” also referred to “Objective zoning standard” or “objective subdivision standard”, shall have the same meaning as established in California Government Code §65913.4, subdivision (a)(5), or successor provisions.

17.02.655 Public transit.

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge a set fare, run on fixed routes, and are available to the public.

17.02.748 Streamlined housing development project.

“Streamlined housing development project” shall mean a housing development project subject to a streamlined ministerial approval process pursuant to California Government Code §65913.4, or successor provisions.

SECTION 2: Sections 17.10.040, 17.14.110 and 17.10.050 are amended to read as follows:

17.10.040 Development regulations.

The following development regulations shall apply to any lot in the R-3 district:

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B. of this section.
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be one thousand five hundred (1,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of three (3) units.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:

1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
2. Side setback: Five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages, or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
3. Rear setback: Ten (10) feet.

4. Garage setback: Eighteen (18) feet, with the following exceptions:
 - a. If paragraph 1(a) or 1(b) of this subsection D applies, then the garage shall be setback three (3) feet behind the front wall of the main structure.
 - b. If the garage setback exemptions set forth in Section 17.32.070(A)(3)(a) of this Title apply, the regulations of that section shall prevail.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%).
- F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:
 1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.
 2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.
- G. Height of Structures.
 1. Except as otherwise provided in paragraph 2 of this subsection G. and in Section 17.32.060, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title. A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of any permitted living area underneath shall not exceed thirty (30) feet from finish grade.
- H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
 1. Front outside wall: Thirty percent (30%) articulation.
 2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 3. Rear outside wall: Thirty percent (30%) articulation.

4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.
 - I. Landscaping Requirements.
 1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
 2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
 3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
 4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.
 - J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.
 - K. Refuse and Recycling Area Requirements.
 1. So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates shall be designed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at all enclosures for nighttime security and use. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
 2. This requirement shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to such existing developments for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. (Ord. 485 § 3, 2004; Ord. 463 § 8(part), 2002).
- (Ord. No. 548, § 3, 11-1-10; Ord. No. 556, § 8, 2-22-11; Ord. No. 576, § 3, 5-19-16; Ord. No. 607, § 4, 4-7-16; Ord. No. 653 , § 13, 10-15-20)

17.10.050 Permits.

- A. Housing Development Permit. A Housing development permit issued pursuant to Chapter 17.45 of this title shall be required for housing development projects and streamlined housing development projects within the R-3 district, including duplexes.
- B. Design Permit. A design permit issued pursuant to Chapter 17.42 of this title shall be required for every main structure to be constructed on a lot within an R-3 district, with the exception of single-family dwellings, housing development projects, and streamlined housing development projects.

(Ord. 463 § 8(part), 2002). (Ord. 463 § 8(part), 2002).

SECTION 3: Section 17.14.035 is added and Sections 17.14.010, 17.14.020, 17.14.040, 17.14.050, 17.14.060, 17.14.070, 17.14.080, and 17.14.110 are amended to read as follows:

17.14.010 - Purposes of chapter.

- A. The neighborhood commercial district is divided into two geographical areas, namely, the NCRO-1 district consisting of the Brisbane Village and the NCRO-2 district consisting of Downtown Brisbane, as shown on the City's zoning map adopted pursuant to Chapter 17.06 of this title and is included in the Zoning Ordinance to achieve the following purposes:
 - 1. To create a zoning district for Central Brisbane that serves to protect and enhance the character of the subarea and provides for orderly development consistent with the direction in the city's general plan;
 - 2. To encourage uses to serve the community by providing goods and services to enhance the quality of life;
 - 3. To maintain the vitality of the downtown by including residential uses and public institutions in the commercial fabric;
 - 4. To respect the historical scale and character of the area; and
 - 5. To protect the community health and safety by establishing permit requirements and performance standards that address potential impacts of commercial activity.
 - 6. To ensure adequate light, air, space, safety, quiet, and privacy for residential uses;

(Ord. 462 § 2(part), 2002).

17.14.020 - Permitted uses in the NCRO-1 district.

The following uses are permitted uses in the NCRO-1 district-, if conducted in accordance with the performance standards set forth in 17.14.070 of this chapter:

- A. Financial institutions.
- B. Medical facilities.
- C. Offices.
- D. Personal services.
- E. Restaurants.
- F. Retail sales and rental.

(Ord. 462 § 2(part), 2002).

(Ord. No. 653 , § 16, 10-15-20)

17.14.035 - Permitted uses in the NCRO-2 district.

The following uses are permitted uses in the NCRO-2 district, if conducted in accordance with the performance standards set forth in 17.14.070 of this chapter:

- A. Financial institutions.
- B. Medical facilities.
- C. Offices.
- D. Personal services.
- E. Restaurants.
- F. Retail sales and rental.
- G. The following uses are allowed only when part of a mixed-use structure and when located above or behind nonresidential uses:
 - 1. Day care centers.
 - 2. Multiple Family Dwelling units.
 - 3. Family day care homes.
 - 4. Group care homes.
 - 5. Home occupations.
 - 6. Accessory dwelling units and junior accessory dwelling units associated with an existing or proposed single-family dwelling, duplex, or multiple-family dwelling in compliance with the provisions of Chapter 17.43 of this title
- H. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- I. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.

(Ord. 462 § 2(part), 2002).

(Ord. No. 653 , § 16, 10-15-20)

17.14.040 - Conditional uses in the NCRO-2 district.

The following conditional uses are allowed in the NCRO-2 District, subject to obtaining a use permit and if conducted in accordance with the performance standards set forth in Section 17.14.070 of this chapter:

- A. Bars.
- B. Commercial recreation-commercial gym and health facilities.
- C. Cultural facilities.

- D. Educational facilities.
- E. Meeting halls.
- F. Mixed use in single-family dwellings.
- G. Outdoor sales and rental, when associated with an adjacent use within a structure.
- H. Places of worship.
- I. Temporary uses.
- J. Veterinary clinics.

(Ord. 462 § 2(part), 2002).

17.14.050 - Development regulations for the NCRO-1 district.

Development regulations for the NCRO-1 district are as follows:

- A. Lot Area. The minimum area of any lot in the NCRO-1 district shall be twenty thousand (20,000) square feet.
- B. Lot Dimensions. The minimum dimensions of any lot in the NCRO-1 district shall be as follows:

Frontage	Width and Depth
100 feet	No requirement

- C. Setbacks. There shall be no minimum required front, side or rear setback for any lot in the NCRO-1 district, except that a 20-foot setback shall be required from any property line that is contiguous to a public right-of-way.
- D. Lot Coverage. The maximum coverage by all structures on any lot in the NCRO-1 district shall be sixty percent (60%).
- E. Height of Structures. The maximum height of any structure in the NCRO-1 district shall be thirty-five (35) feet.
- F. Landscaping requirements for the NCRO-1 district are as follows:
 - 1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
 - 2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
 - 3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

G. Refuse and Recycling Area Requirements.

1. So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates shall be designed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at \ enclosures for nighttime security and use. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new commercial buildings. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases, and such recycling areas shall be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

(Ord. 462 § 2(part), 2002).

(Ord. No. 548, § 5, 11-1-10; Ord. No. 556, § 11, 2-22-11; Ord. No. 607, § 6, 4-7-16)

17.14.060 - Development regulations for the NCRO-2 district.

Development regulations for the NCRO-2 district are as follows:

- A. Lot Area. The minimum area of any lot in the NCRO-2 district shall be two thousand five hundred (2,500) square feet.
- B. Lot Dimensions. The minimum dimensions of any lot in the NCRO-2 district shall be as follows:

Width	Depth
25 feet	No requirement

- C. Lot Area Required for of Residential Use. The minimum lot area for each dwelling unit on the site shall be six hundred (600) square feet. The maximum lot area for each dwelling unit on the site shall be two thousand one hundred seventy-eight (2,178) square feet.
- D. Setbacks. The minimum required setbacks for any lot in the NCRO-2 district, except as provided in Section 17.32.070, shall be as follows:
 1. Front setback: No requirement (0).
 2. Side Setback: No requirement (0), except a ten (10) foot setback shall be required on the side setback where abutting any residential district.
 3. Rear Setback: Ten (10) feet.

- E. Lot Coverage. The maximum coverage by all structures on any lot in the NCRO-2 district shall be ninety percent (90%).
- F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be::
 - 1. Housing Development Projects and Streamlined Housing Development Projects: thirty-five (35) feet.
 - 2. Design Permit Applications: twenty-eight (28) feet, except that the height may extend to thirty-five (35) feet when authorized by a design permit granted pursuant to Chapter 17.42 of this title and provided the approving authority makes the findings set forth in Section 17.14.110 of this chapter.
- G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential property shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential property.
- H. Storefronts. All uses at street level facing Visitacion and/or San Bruno Avenues shall be storefronts, as defined in Section 17.02.746 of this title, except for entrances to uses above or behind the storefronts. Such uses shall comply with the following additional requirements:
 - 1. The minimum floor area for a storefront use is six hundred (600) square feet. The minimum floor area for a storefront use for lots of 30 feet in width or less is two hundred and fifty (250) square feet. The approving authority may approve a lesser floor area if the approving authority finds that such lesser area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site.
 - 2. No off-street parking shall be located on any portion of the site between the curb line and the storefront.
 - 3. New construction shall incorporate the necessary vents and chases into the building design so as to allow future changes in occupancy of the storefront area.
 - 4. Single-family dwellings in which mixed uses are conducted shall have a storefront character as viewed from the street.
- I. Open Space. Usable open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such open space shall not be less than five (5) feet in any dimension and may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof. Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable open space for the other residential use. If an existing residential use has open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable open space for the other residential uses, including the loss of non-conforming open space.
- J. Refuse and Recycling Area Requirements.

1. So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates shall be designed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at enclosures for nighttime security and use. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new commercial or institutional buildings, residential and mixed-use buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

(Ord. 462 § 2(part), 2002).

(Ord. No. 556, § 12, 2-22-11; Ord. No. 653 , § 17, 10-15-20)

17.14.070 - Performance standards.

All uses in the neighborhood commercial district shall be conducted in accordance with the following performance standards:

- A. All routine aspects of the day-to-day operations of a business, including the storage of materials and products, shall be conducted entirely within an enclosed structure, with the exception of the following:
 1. Outdoor seating associated with a restaurant or retail food sales.
 2. Outdoor activities specifically authorized by a use permit.
 3. Parking of operable vehicles related to the authorized uses conducted on the site.
 4. Shipments and deliveries incidental to the conduct of the primary uses on the site.
- B. The following screening requirements shall apply to all uses:
 1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall be screened from off-site view to the extent it is reasonably possible to do so.
 2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may

be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, landscaping, or any combination of the foregoing.

The foregoing screening requirements are not intended to be exclusive and the approving authority may require, as a condition of the use permit or design permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

- C. The site shall be kept free of trash and debris.
- D. Sound insulation, housing or baffles, or other reasonable measures, shall be installed in conjunction with heating, air conditioning, and ventilating equipment or other machinery when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.
- E. Odors that would be offensive to persons of normal sensibilities shall not be distinctly detectable from any off-site location.
- F. Lighting shall be designed to avoid excessive glare as viewed from offsite locations, in compliance with the California Green Building Standards Code.

(Ord. 462 § 2(part), 2002).

(Ord. No. 556, § 13, 2-22-11)

17.14.080 - Night operations.

- A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as set forth below:
 - 1. "Existing business" means a business or other use that is legally operating within the neighborhood commercial district as of February 25, 2002, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.
 - 2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.
- B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in subsection C of this section, no business or other use, with the exception of residential uses, shall engage in the conduct of night operations at any location within the neighborhood commercial district unless a use permit for such night operations has been granted pursuant to this chapter. The requirement for a use permit is applicable only to the commercial component of a project.
- C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations prior to February 25, 2002, may continue to conduct such night operations on the same site and shall be exempted from the requirement to obtain a use permit pursuant to this Section 17.14.070. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.
- D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by Section 17.14.070.

- E. Findings for Use Permit Approval. In addition to the findings required for approval of a use permit, as set forth in Section 17.40.060 and elsewhere in this chapter, no use permit shall be granted for the conduct of night operations in the neighborhood commercial district unless the planning commission also finds and determines that the night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties.
- F. Use Permit Conditions. Without limiting the authority of the planning commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the neighborhood commercial district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit.

(Ord. 462 § 2(part), 2002).

17.14.110 - Design review.

- A. Housing Development Permits. Housing Development Projects and Streamlined Housing Development Projects are subject to the findings in Section 17.45.040 and the objective design standards in Section 17.45.030 and are not subject to the findings in subsection B below.
- B. Design Permits. The construction of any principal structure in the neighborhood commercial district, except for Housing Development Projects and Streamlined Housing Development Projects, shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this title and any applicable design guidelines adopted by the city.

Where the structure will be located in the NCRO-2 district, no design permit shall be granted unless all of the following additional findings can be made:

1. The design respects the intimate scale and vernacular character of the street.
2. Design details are incorporated to articulate the building and emphasize the relationship to the pedestrian environment.
3. The design incorporates creative use of elements that are characteristic of the area, such as awnings, overhangs, inset doors, tile decoration, and corner angles for entry.
4. Color and texture are provided at the street through the use of signage, lighting, planter boxes, or other urban landscape treatments.
5. Landscaping has been incorporated to enhance the design and enliven the streetscape

(Ord. 462 § 2(part), 2002).

SECTION 4: Sections 17.16.010, 17.16.020, 17.16.030, 17.16.040, 17.16.050, 17.16.060, 17.16.070, 17.16.100, and 17.16.110 are amended to read as follows:

17.16.010 Purposes of chapter.

The general plan designates several areas of the city for subregional commercial/retail/office use (SCRO). The SCRO-1 Southwest Bayshore commercial district (hereinafter referred to as the Southwest Bayshore district) is one of such planning areas and is included in the zoning ordinance codified in this title to achieve the following purposes:

- A. To create a zoning district for the Southwest Bayshore area that provides for orderly development consistent with the land use policies for that area as set forth in the city's general plan;
- B. To encourage a mix of subregional uses and the opportunity to include mixed-uses and residential uses when appropriate;
- C. To ensure that future development will be conducted in a manner that will adequately address the environmental constraints in the Southwest Bayshore district, as identified in the general plan;
- D. To address historical issues of incompatible land uses;
- E. To protect the community health and safety by establishing permit requirements, performance standards, and special findings for the establishment of uses in the Southwest Bayshore district;
- F. To provide an opportunity for multiple-family dwellings;
- G. To ensure that new residential development is compatible with existing development and reflects the diversity of the community;
- H. To ensure adequate light, air, space, safety, quiet, and privacy for residential uses;
- I. To implement and promote the goals and policies of the General Plan so as to guide and manage residential development in the city in accordance with such Plan. (Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.020 Permitted uses.

- A. The following are permitted uses in the SCRO-1 district:
 - 1. Emergency shelters in compliance with Section 17.16.040.
 - 2. Accessory dwelling units and junior accessory dwelling units associated with an existing or proposed single-family dwelling, duplex, or multiple-family dwelling in compliance with the provisions of Chapter 17.43 of this title.
 - 3. Multiple-family dwellings;
 - 4. Duplexes.

5. Dwelling groups.
6. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
7. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
8. Small and large family day care homes.
10. A mixed use project that meet the definition of a Housing Development Project or a Streamlined Housing Development Project as defined in Chapter 17.02.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11; Ord. No. 626, § 6, 5-17-18; Ord. No. 653 , § 18, 10-15-20) (Ord. No. 564, § 2, 10-3-11; Ord. No. 626, § 6, 5-17-18; Ord. No. 653 , § 18, 10-15-20)

17.16.030 Conditional uses.

- A. Allowable Conditional Uses. The following conditional uses, not otherwise permitted per Section 17.16.020(A), may be allowed in the Southwest Bayshore district, upon the granting of a use permit pursuant to Chapter 17.40 of this title and if conducted in accordance with the performance standards set forth in Section 17.16.050 of this chapter:
 1. Commercial recreation/commercial gym and health facilities;
 2. Contractor's yards;
 3. Convalescent homes;
 4. Cultural facilities;
 5. Educational facilities;
 6. Emergency shelters with more than twelve (12) beds;
 7. Financial institutions;
 8. Food production;
 9. Group care homes;
 10. Hotels;
 11. Light fabrication;
 12. Live/work developments;
 13. Media studios;
 14. Medical facilities;
 15. Meeting halls;
 16. Mobilehome parks in compliance with Section 17.32.110;
 17. Motels;
 18. Offices;

19. Outdoor sales and rental;
20. Personal services;
21. Places of worship;
22. Printing;
23. Product showrooms;
24. Research and development, where the planning director determines, as a result of a risk analysis performed in accordance with Policy No. 166.1 of the general plan, that the use of hazardous materials will not constitute a major component of the research and development activities to be conducted on the site. Research and development involving cannabis is additionally subject to the requirements in Chapter 17.33;
25. Restaurants;
26. Retail sales and rental;
27. Single-family dwellings and single-family dwellings with accessory dwelling units in compliance with the provisions of Chapter 17.43 of this Title;
28. Storage;
29. Veterinary clinics;
30. Warehousing;
31. Single-room occupancy units.

B. **Mixed Uses.** For a mixed use project that does not meet the definition of a Housing Development Project or Streamlined Housing Development Project, as defined in Chapter 17.02, a combination of any residential and nonresidential uses listed in subsection A of this Section 17.16.030, or in Section 17.16.020, may be allowed as a mixed use within the same structure or upon the same site when specifically authorized by the use permit granted for each individual conditional use and upon such additional conditions as the approving authority may deem necessary or appropriate to insure the compatibility of such mixed uses.

C. **Night Operations.** Night operations associated with the conduct of any uses listed in subsection A of this section (except residential uses) shall require a use permit when subject to the provisions of Section 17.16.070 of this chapter. (Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11; Ord. No. 622, § 3, 11-16-17; Ord. No. 617, § 13, 9-7-17; Ord. No. 626, § 6, 5-17-18)

17.16.040 Development regulations.

Development regulations in the Southwest Bayshore district are as follows:

- A. **Lot Area.** The minimum area of any lot shall be seven thousand five hundred (7,500) feet.
- B. **Density of Development.** The minimum lot area for each dwelling unit on a site shall be as follows:
 1. Single-family dwellings: Seven thousand five hundred (7,500) square feet;
 2. Duplex dwellings: Three thousand seven hundred fifty (3,750) square feet;

3. Multiple-family dwellings and dwelling groups: One thousand five hundred (1,500) square feet;
 4. Mixed use or live/work development: Dwelling unit density shall be determined by the use permit.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	No requirement

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
1. Front setback:
 - a. Residential/Mixed Use: Ten (10) feet;
 - b. Commercial Uses: Twenty-five (25) feet for commercial uses;
 - c. Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
 2. Side setback:
 - a. Residential/Mixed Use: Five (5) feet;
 - b. Commercial Uses: Fifteen (15) feet;
 - c. Exception: The planning commission may approve exceptions to the side setback regulations for commercial uses through the granting of a use permit.
 3. Rear setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).
- F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be thirty-five (35) feet.
- G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential district shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential district.
- H. Open Space. Usable open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such open space shall not be less than five (5) feet in any dimension and

may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof.

Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable open space for the other residential use. If an existing residential use has open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable open space for the other residential uses, including the loss of non-conforming open space.

I. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscape area. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.
2. Plant materials shall be drought resistant and non-invasive as required by the planning director.
3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

J. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.
2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.

3. The screening requirements set forth in subsections H.1. and H.2. of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

K. Refuse and Recycling Area Requirements.

1. So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates should be detailed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at enclosures for nighttime security and use. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

L. Emergency Shelters. Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:

1. No emergency shelter shall be allowed to be located within three hundred (300) feet of another emergency shelter.
2. The required setbacks for new development shall be:
 - a. Front setback: Ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
 - b. Side setback: Five (5) feet; except that the planning commission may approve exceptions to the side setback regulations through the granting of a use permit.
 - c. Rear setback: Ten (10) feet.

3. A maximum of twelve (12) persons (twelve (12) beds) to be served nightly.
4. Each resident shall be provided personal living space.
5. Bathrooms and bathing facilities shall be provided, adequate for the number of residents.
6. Laundry facilities or services shall be provided on site, adequate for the number of residents.
7. The length of stay for individual clients shall not exceed six (6) months, or as allowed by state law.
8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with Section 17.16.050.E.
10. For security, the shelter shall be adequately staffed twenty-four (24) hours a day, seven (7) days a week.
11. Parking shall be as specified in Chapter 17.34.
12. Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of five (5:00) a.m. and ten (10:00) p.m. A night operations use permit is required for outdoor activities between the hours of ten (10:00) p.m. and five (5:00) a.m., as provided for in Section 17.16.070.
13. The facility may provide the following:
 - a. Kitchen facilities;
 - b. Dining area;
 - c. Recreation room;
 - d. Training and counseling support services;
 - e. Child care facilities;
 - f. Other facilities or services that are accessory to an emergency shelter.
14. Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be provided to the planning director. The management plan must include provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, provisions for residents' meals (including special dietary needs), medical care, mental health care, dental care, temporary storage of residents' personal belongings, safety and security, provisions in case of area-wide emergencies, screening of residents to ensure compatibility with services provided at the facility, plans to help secure other provisions for those who may not be part of the shelter's target population, computer access for residents, and training, counseling and social service programs for residents, as applicable.

M. Mobile Home Parks.

1. Mobile home parks in the SCRO-1 district shall be subject to the development and parking standards established in Chapter 17.11 of this Title.
2. Conversion, closure, or cessation of a mobile home park in the SCRO-1 district shall be subject to the procedures established in Section 17.11.090 of this Title.

(Ord. 443 § 2(part), 2000).

(Ord. No. 548, § 6, 11-1-10; Ord. No. 556, § 15, 2-22-11; Ord. No. 564, § 2, 10-3-11; Ord. No. 607, § 7, 4-7-16; Ord. No. 630, § 3, 12-6-18; Ord. No. 653, § 19, 10-15-20)

17.16.050 Performance standards.

All uses in the Southwest Bayshore district shall be conducted in accordance with the following performance standards:

- A. All routine aspects of the day-to-day operations of a business, including the storage of materials and products, shall be conducted entirely within an enclosed structure, with the exception of the following:
 1. Outdoor activities specifically authorized by the use permit;
 2. Parking of operable vehicles related to the authorized uses conducted on the site;
 3. Shipments and deliveries incidental to the conduct of the primary use on the site.
 4. Emergency shelter outdoor activities as set forth in Section 17.16.040(L)(12).
- B. The site shall be kept free of trash and debris.
- C. Sound insulation housing or baffles, or other reasonable measures, shall be installed in conjunction with heating and ventilating equipment or other machinery when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.
- D. Odors from any use shall not be generally or distinctly detectable from any off-site location.
- E. Lighting shall be designed to avoid excessive glare as viewed from offsite locations and in compliance with the California Green Building Standards Code. Lighting shall also be stationary, shielded or otherwise directed away from direct view of the light source as viewed from adjacent properties and public rights of way, and of intensity compatible with the neighborhood.
- F. Site development shall minimize disturbance of existing natural slopes to the extent feasible, maintain public view corridors of the San Francisco Bay and San Bruno Mountain, minimize rooftop glare, and screen exterior mechanical equipment.

(Ord. 443 § 2(part), 2000).

(Ord. No. 556, § 16, 2-22-11; Ord. No. 564, § 2, 10-3-11)

17.16.060 Special findings.

In addition to the findings required for approval of a use permit as set forth in Section 17.40.060, no use permit shall be granted for any conditional use in the Southwest Bayshore district unless the approving authority also makes such of the following findings as may be applicable to the application:

- A. Adequate measures have been taken to protect workers and residents from the twenty-four (24) hour noise generated by traffic on Bayshore Boulevard.
- B. The improvements have been designed in a manner that will make adequate provision for on-site parking and traffic circulation and safe ingress to and egress from the site.
- C. The improvements have been designed to be compatible with the topography and soils of the hillside.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.070 Night operations.

- A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as set forth below:
 - 1. "Existing business" means a business or other use that is legally operating within the Southwest Bayshore district as of February 9, 2000, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.
 - 2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.
- B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in subsection C of this section, no business or other use, with the exception of residential uses, shall engage in the conduct of night operations at any location within the Southwest Bayshore district unless a use permit for such night operations has been granted pursuant to this chapter. The requirement for a use permit is applicable only to the commercial component of the project.
- C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations prior to February 9, 2000, may continue to conduct such night operations on the same site and shall be exempted from the requirement to obtain a use permit pursuant to this section. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.

- D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by this section.
- E. Findings for Use Permit Approval. In addition to the findings required for approval of a use permit, as set forth in Section 17.40.060 and elsewhere in this section, no use permit shall be granted for the conduct of night operations in the Southwest Bayshore district unless the planning commission also finds and determines that the night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties.
- F. Use Permit Conditions. Without limiting the authority of the planning commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the Southwest Bayshore district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance of the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.100 Design review.

- A. Housing Development Permits. Housing Development Projects and Streamlined Housing Development Projects are subject to the findings in Section 17.45.040 and the objective design standards in Section 17.45.030.
- B. Design Permits. The construction of any principal structure in the Southwest Bayshore district, except a single-family or duplex dwelling or emergency shelter as set forth in Section 17.16.040.L or a Housing Development Project or Streamlined Housing Development Project, as defined in Chapter 17.02 and permitted by Chapter 17.45, shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this title and any applicable design guidelines adopted by the city. (Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.110 Visual impact analysis.

All projects, including single-family and duplex dwellings, but excluding emergency shelters as set forth in Section 17.16.040(L) and Housing Development Projects and Streamlined Housing Development Projects as defined in Chapter 17.02, shall submit a visual impact analysis, in accordance with guidelines approved by the planning commission, to address the following design issues: relationship to steep slopes; public view corridors; view of San Francisco Bay and San

Bruno Mountain; material and lighting, especially as pertains to light and glare; treatment of roofs and the screening of mechanical equipment.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

SECTION 6: Section 17.42.045 is deleted and Section 17.42.010, 17.42.020, and 17.42.040 are amended to read as follows:

17.42.010 Applicability.

- A. Except as otherwise provided in subsection B of this section, a design permit shall be required for the construction of any new principal structure or the substantial modification of an existing principal structure for which no design permit has previously been issued. As used herein, the term "substantial modification" means an alteration or expansion of the exterior and/or interior of the structure to the extent of significantly modifying its basic design, elevations, size, appearance, or relationship to adjacent properties or structures, as determined by the planning director.
- B. No design permit shall be required for the construction or substantial modification of any single-family dwelling, accessory dwelling unit, junior accessory dwelling unit, duplex, or accessory structure, unless part of a dwelling group totaling three (3) or more units or part of a mixed use development, or a design permit for such structure has been required as a condition of a development approval granted by the city. No design permit shall be required for the construction or substantial modification of an emergency shelter of twelve (12) beds or less, as set forth in Section 17.16.040(J).
- C. No design permit shall be required for housing development projects or streamlined housing development projects, as defined in Chapter 17.02; provided, however, housing development projects and streamlined housing development projects are subject to the housing development permit requirements set forth in Chapter 17.45.

(Ord. 449 § 1(part), 2000).

(Ord. No. 564, § 3, 10-3-11)

17.42.020 Application for design permit.

- A. Contents of Application. Application for a design permit shall be filed with the planning director on such form as the planning director shall prescribe. The application shall be accompanied by legible and reproducible sets of completely dimensioned, scaled site development and architectural plans, with bar scales, showing such of the following items as the planning director deems appropriate in order to evaluate and process the application:
 - 1. Existing and/or proposed structures with floor plans (with the use of each room/space labeled), roof plans, and elevations of all sides of the existing and/or proposed structures, identifying colors and materials as appropriate, indicating the height from natural and/or finish grade on

- each elevation of the tallest points of the structure (cross-sections may also be required based upon the complexity of the design), and including UBC type of construction;
2. Accurately dimensioned property lines, setbacks, structures on adjacent properties (and their uses), streets, easements, existing and proposed utilities, and building coverage and lot area calculations;
 3. Location of existing trees by size (circumference measured twenty-four (24) inches above grade) and type, indicating those proposed for removal;
 4. Conceptual landscaping plans showing species, common name, size and number of plantings, with description of proposed plantings (height at maturity, time to maturity, color, drought/wind/salt tolerance, and deciduousness), calculation of the total square footage of proposed irrigated landscaped area and explanation of proposed method of irrigation;
 5. Existing and proposed parking facilities, including the dimensions of parking spaces, number and location of spaces designated as compact or handicapped spaces, and a calculation of the number of parking spaces required by this title or any other applicable regulations;
 6. Paving details, improved street width (curb-to-curb), sidewalks, and driveway cuts;
 7. Existing and proposed topography of the property (at five (5) foot intervals), clearly indicating any proposed grading and filling and the amounts in cubic yards of proposed excavation, fill and removal from the site. If requested by the planning director, a soils report and/or geotechnical study shall also be furnished;
 8. Drainage details, exterior lighting, trash enclosures, signs, fences and method of screening exterior mechanical equipment (including rooftop air-conditioning units, transformers and public utilities);
 9. Material and color samples and colored rendering of the project;
 10. Photographs of the Site. Photomontages of the proposal may also be required dependent upon the visual significance of the proposal.
- B. **Application Fee.** The application shall be accompanied by the payment of a processing fee in such amount as established from time to time by resolution of the city council. In addition to the processing fee, the applicant shall also deposit such amounts as the planning director may require from time to time to cover the cost of any environmental investigations or reports, geotechnical and engineering reports, review of green building documentation, and such other investigations and reports that may be required by the city in connection with the processing of the application.
- C. **Newly Constructed Condominiums.** In addition to the information listed in this section, an application for a design permit for newly constructed condominiums, as defined in BMC 17.30.020(A), shall also include the materials set forth in Section 17.30.040.

(Ord. 524 § 4, 2007; Ord. 449 § 1(part), 2000).

(Ord. No. 564, § 3, 10-3-11; Ord. No. 612, § 19, 12-8-16)

17.42.040 Findings required for issuance of design permit.

The planning commission may grant a design permit as applied for or in modified form if, on the basis of the application and the evidence submitted, the commission finds and determines the following findings as may be applicable to the proposed development:

- A. The proposed development is consistent with the General Plan and any applicable specific plan.
- B. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.
- C. The orientation and location of buildings, structures, open spaces and other features integrate well with each other and maintain a compatible relationship to adjacent development.
- D. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.
- E. The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability.
- F. For hillside development, the proposal respects the topography of the site and is designed to minimize its visual impact. Significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park are preserved.
- G. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.
- H. The proposal encourages alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation.
- I. The site provides open areas and landscaping to complement the buildings and structures. Landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping is generally water conserving and is appropriate to the location. Attention is given to habitat protection and wildland fire hazard as appropriate.
- J. The proposal takes reasonable measures to protect against external and internal noise.
- K. Consideration has been given to avoiding off-site glare from lighting and reflective building materials.

- L. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.
- M. Signage is appropriate in location, scale, type and color, and is effective in enhancing the design concept of the site.
- N. Provisions have been made to meet the needs of employees for outdoor space.

(Ord. 449 § 1(part), 2000).

(Ord. No. 556, § 27, 2-22-11; Ord. No. 564, § 3, 10-3-11)

SECTION 7: Chapter 17.45 is added to read as follows:

Chapter 17.45 Housing Development Permits.

17.45.010 Applicability.

- A. Except as otherwise provided in subsection B of this section, a housing development permit shall be required for the construction of any new principal structure that meets the definition of a Housing Development Project or a Streamlined Housing Development Project, as defined in Chapter 17.02.
- B. No housing development permit shall be required for the construction or substantial modification of a single-family dwelling, accessory dwelling unit, or junior accessory dwelling unit, unless part of a dwelling group totaling three (3) or more units. No housing development permit shall be required for the construction or substantial modification of a duplex, unless the duplex is located in the R-3 Zoning District.
- C. The Community Development Director shall determine applicability of this Section within 30 days of submittal of a complete housing development permit application.

17.45.020 Application.

- A. Contents of Application. Applications for a housing development permit shall be filed with the planning director on such form as the planning director shall prescribe. The application shall be accompanied by legible and reproducible sets of completely dimensioned, scaled site development and architectural plans, with bar scales, showing such of the following items as the planning director deems appropriate in order to evaluate and process the application:
 - 1. Existing and/or proposed structures with floor plans (with the use of each room/space labeled), roof plans, and elevations of all sides of the existing and/or proposed structures, identifying colors and materials as appropriate, indicating the height from natural and/or finish grade on each elevation of the tallest points of the structure (cross-sections may also be required based upon the complexity of the design), and including UBC type of construction;

2. Accurately dimensioned property lines, setbacks, structures on adjacent properties (and their uses), streets, easements, existing and proposed utilities, and building coverage and lot area calculations;
 3. Location of existing trees by size (circumference measured twenty-four (24) inches above grade) and type, indicating those proposed for removal;
 4. Conceptual landscaping plans showing species, common name, size and number of plantings, with description of proposed plantings (height at maturity, time to maturity, color, drought/wind/salt tolerance, and deciduousness), calculation of the total square footage of proposed irrigated landscaped area and explanation of proposed method of irrigation;
 5. Existing and proposed parking facilities, including the dimensions of parking spaces, number and location of spaces designated as compact or handicapped spaces, and a calculation of the number of parking spaces required by this title or any other applicable regulations;
 6. Paving details, improved street width (curb-to-curb), sidewalks, and driveway cuts;
 7. Existing and proposed topography of the property (at five (5) foot intervals), clearly indicating any proposed grading and filling and the amounts in cubic yards of proposed excavation, fill and removal from the site. If requested by the planning director, a soils report and/or geotechnical study shall also be furnished;
 8. Drainage details, exterior lighting, trash enclosures, signs, fences and method of screening exterior mechanical equipment (including rooftop air-conditioning units, transformers and public utilities);
 9. Material and color samples and colored rendering of the project;
 10. Photographs of the Site. Renderings of the proposal may also be required dependent upon site circumstances.
- B. **Application Fee.** The application shall be accompanied by the payment of a processing fee in such amount as established from time to time by resolution of the city council. In addition to the processing fee, the applicant shall also deposit such amounts as the planning director may require from time to time to cover the cost of any environmental investigations or reports, geotechnical and engineering reports, review of green building documentation, and such other investigations and reports that may be required by the city in connection with the processing of the application.
- C. **Newly Constructed Condominiums.** In addition to the information listed in this section, an application for a housing development permit for newly constructed condominiums, as defined in 17.30.020(A) of this Title, shall also include the materials stipulated in Section 17.30.040.
- B. **Streamlined Housing Development Projects.** Applications for Streamlined Housing Development Projects shall include additional supporting documentation to demonstrate eligibility as set forth on a form prescribed by the city.

17.45.030 Objective Standards.

Housing development projects and streamlined housing development projects must be consistent with each of the objective design standards below. Supplementary Housing Development Design Guidelines may be established and may be used as a supplement to these objective standards:

A. Site design.

1. A minimum of one (1) main exterior pedestrian entrance shall be publicly visible per building. Buildings entirely located greater than 50' from front property line are excluded from this requirement if another building on that site has at least one main publicly-visible exterior pedestrian entrance.
2. At least 50% percent of any street-facing, ground-floor facade shall be parallel to the street.

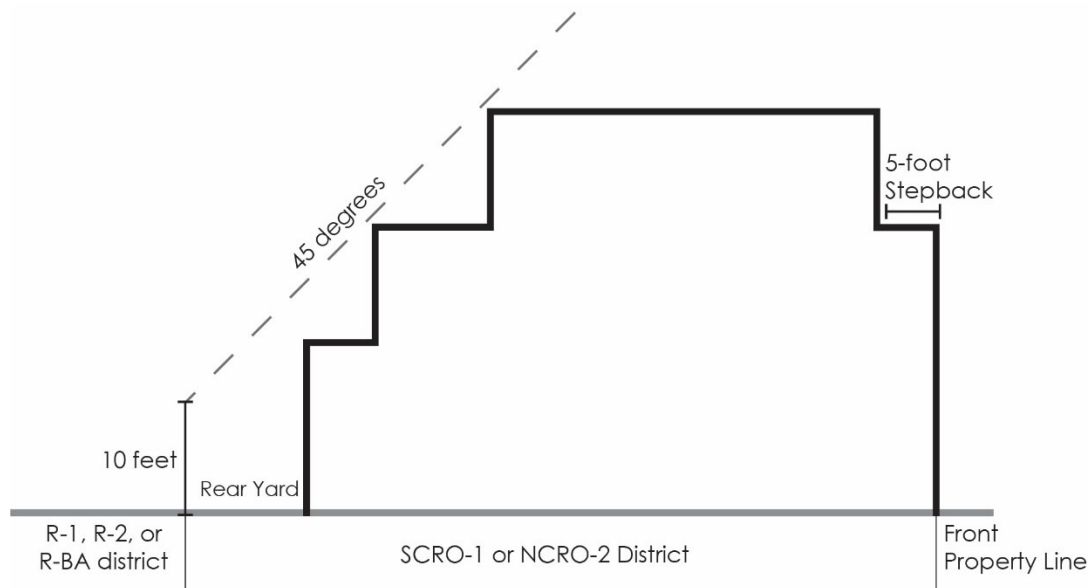
B. Roof design. Rooflines shall be articulated at least every 50 feet along the street frontage. For purpose of this standard, roofline articulation can be achieved through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height, roof planes, special treatment of corner elements, and/or form.

C. Materials.

1. Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.
2. Buildings over two stories must provide a ground floor elevation that is distinctive from the upper stories by providing a material change between the first floor and upper floors along at least 75% of the building façade with frontage upon a street, adjacent public park, or public open space.
3. Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.
4. Exterior materials and finishes shall be consistent with the proposed architectural style.
5. Exterior primary (non-accent) materials and finishes shall be durable and have a demonstrated service life of at least 30 years (e.g. a warranty period provided by its installer).
6. At least two materials shall be used on any building frontage, in addition to glazing, trim, railings, and any visible roofing or building skirt materials.
7. For buildings in the SCRO-1 and NCRO-2 Districts, durable and highly resistant building base materials, such as precast concrete, brick, stone masonry, and commercial grade ceramic, shall be selected to withstand pedestrian traffic.
8. Materials for roofing, buildings, and windows shall be consistent with the Community Development Department's Supplemental Housing Development Design Guidelines.

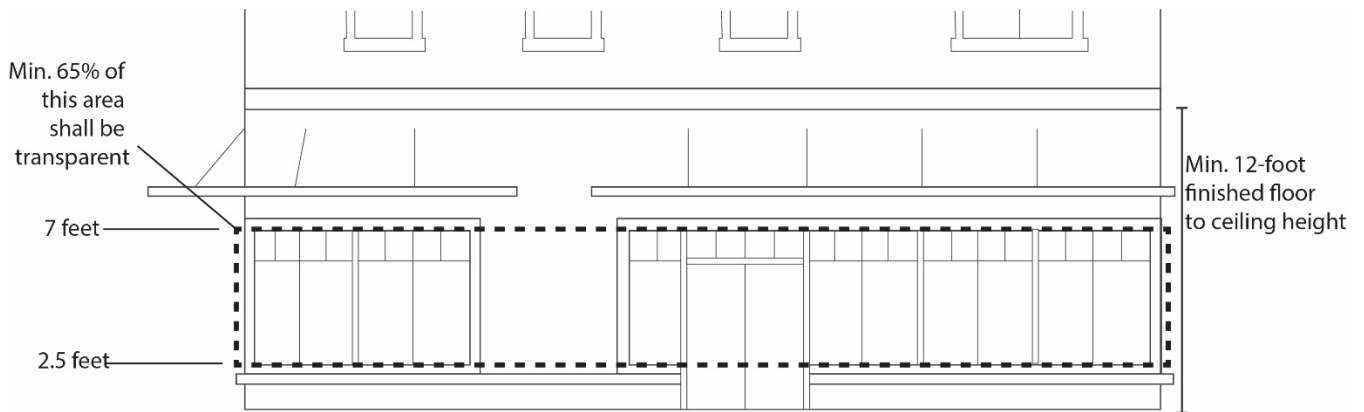
- D. **Window design.** Window trim of at least one inch width shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows may be recessed from wall plane by a minimum of three inches.
- E. **Stepbacks.** For buildings in the SCRO-1 and NCRO-2 Districts:
1. **Front:** Structures shall include a 5-foot minimum front step-back for the 3rd story or any floor above 25 feet along at least 30% of the frontage, and a 10-foot minimum front step-back for the 4th story or any floor above 35 feet in height. For corner lots, the stepped back portion of the structure shall be located away from the corner, defined as the portion of the structure that faces the intersection of two public rights of way, in order to add emphasis to architectural corner elements.
 2. **Rear and interior side:** Structures shall not intercept a forty-five-degree inclined plane inward from a height of ten feet above existing grade at any rear or interior lot line adjoining an R-1, R-2, or R-BA district.

Figure 17.45.030-1 SCRO-1 and NCRO-2 Stepbacks



F. Ground Floor Requirements.

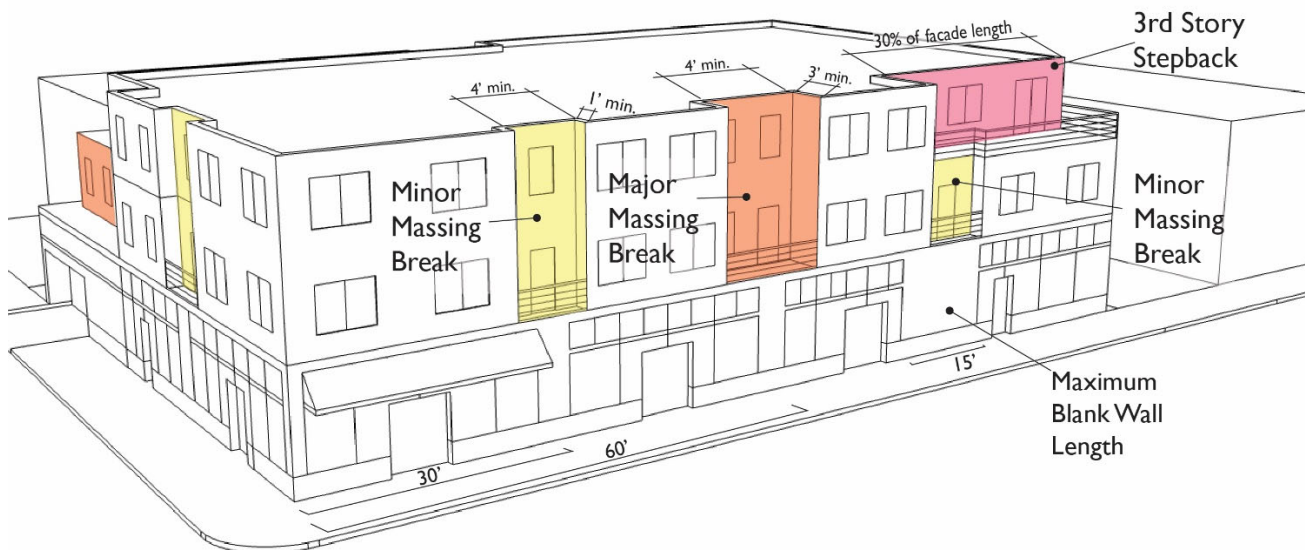
1. **Minimum Height.** Any ground floor associated with a non-residential use shall have a minimum finished floor to ceiling height of 12 feet.
2. **Ground Floor Transparency.** The ground-floor street-facing building walls of non-residential uses shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between 2½ and 7 feet above the sidewalk. Ninety percent of the transparent windows or doors area shall remain clear to allow views into the building. Street-facing areas used as parking structures or garage doors are exempt from this requirement, but are subject to the design requirements in subsection H(3) below.

Figure 17.45.030-2 Ground Floor Requirements**G. Massing and articulation.**

1. A minimum of one architectural feature, such as balconies, cantilevers, dormers, bay windows, patios, and individualized entries, shall be incorporated into each building.
2. Blank walls (façades without doors, windows, landscaping treatments) shall be less than 15 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.
3. **Articulation Requirements.** For purposes of this chapter, articulation shall be defined as a minimum of twelve inches of offset in plane, as defined in Section 17.02.050(A). Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
 - a. Front outside wall: Thirty percent (30%) articulation of total wall area.
 - b. Side outside walls:
 - i. Interior side outside wall: No articulation requirement
 - ii. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%) of total wall area. No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 - c. Rear outside wall: Thirty percent (30%) articulation of total wall area.
 - d. **Exemptions.** Single-story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet. Parking structures are exempt but subject to the articulation requirements in subsection H(3) below.
4. **Massing Breaks.** Massing breaks, as described below, shall be required for buildings with street frontage of 30 feet or greater. Ground floor non-residential uses shall be exempt from massing break requirements.

- a. **Minor.** Buildings shall have minor massing breaks at least every 30 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of one foot deep and four feet wide and extend the full height of the building.
- b. **Major.** Buildings shall have major massing breaks at least every 60 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries. Major breaks shall be a minimum of three feet deep and four feet wide and extend the full height of the building.

Figure 17.45.030-3 Articulation and Massing Breaks



H. Parking design and location.

1. **General Location.** Parking shall be located out of public view wherever feasible.
 - a. On corner lots in the SCRO-1 and NCRO-2 districts, curb cuts and garage or parking area entries shall not be located on San Bruno Avenue or Visitacion Avenue. Any lots with frontage on both San Bruno Avenue and Visitacion Avenue are exempt from this requirement.
2. **Uncovered Parking.**
 - a. Uncovered parking shall not be permitted in the NCRO-2 District.
 - b. **Location.** Uncovered parking lots shall be located out of public view or screened as set forth below.
 - c. **Lighting.** All parking lot lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from adjacent residences.

- d. **Screening.** Uncovered parking areas shall be screened from view from public streets and adjacent lots in the R-1, R-2, or R-BA Districts, according to the following standards:
- i. **Screening from Residential Districts.** Screening of parking lots along interior lot lines that abut an R-1, R-2, or R-BA District shall be eight feet in height. If landscaping is used as a screening material along an interior lot line, it must also be a minimum of 3 feet in width. Screening materials may consist of fencing or planting. Plant materials shall consist of compact evergreen plants that form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
 - ii. **Screening from Public Streets.** Screening of parking lots from adjacent public streets shall be three feet in height. Screening may consist of one or any combination of the methods listed below:
 - (a) **Walls.** Walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.
 - (b) **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
 - (c) **Planting.** Compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within eighteen months after initial installation.
 - (d) **Berms.** Berms planted with grass, ground cover, or other low-growing plant materials.
 - (e) **Exception.** Screening shall not be required for uncovered tandem parking located within a driveway in the R-3 District.

3. Covered Parking.

- a. **Location: Parking Garages.** Parking Garages may be located in an area that is publicly visible, provided that the design standards below are met.
- b. **Design.** The following design features shall be incorporated into all covered parking structures.
 - i. Garages and carports shall be designed to include a minimum of two of the following from the main building(s): materials, detailing, roof materials, and colors.
 - ii. Carport support posts shall be a minimum of eight inches (8") square and exposed steel columns and posts are prohibited. At least one material from the primary structure shall be included in the carport design.

- iii. Parking structures or garage entrances shall not occupy more than 60% of the building width of any front elevation facing a Front Lot line in the SCRO-1 and NCRO-2 Districts.
 - iv. Parking structure exterior walls shall not present a solid unbroken wall surface. Walls greater than 40 feet in length shall include articulation, landscaping, or textured treatments over 25% of the total wall area at minimum.
 - v. Ventilation openings shall be screened, for example with decorative grille work or landscaping.
4. **Bicycle Parking.** Where bicycle parking is not visible from the street, directional signage shall be included at the main building entrance.

I. Accessory elements.

- 1. Perimeter fencing utilized along public streets shall be constructed of decorative iron, pre-painted welded steel, or wood material. Chain link fencing, vinyl fencing, and expanded metal panels are prohibited.
- 2. Roof top equipment shall be screened from visibility. The point of view for determining visibility shall be five feet above grade at a distance of 200 feet. If the roof structure does not provide this screening, include an equipment screen in the design.
- 3. All exterior trash, recycling, and storage utility boxes, wood service poles, electric and gas meters, fire sprinkler valves and backflow preventers and transformers shall be screened from visibility.

J. Additional objective standards within Title 17. Projects subject to this chapter must comply with all other applicable objective standards within Title 17 including, but not limited to:

- 1. Development regulations including lot area, density of development, lot dimensions, setbacks, lot coverage, height of structures, landscaping requirements, and additional screening requirements, recycling area requirements not covered in this chapter include:
 - a. Development regulations as indicated for the R-2 District in 17.08.040,
 - b. Development regulations as indicated for the R-3 District in 17.10.040,
 - c. Development regulations as indicated for the NCRO-2 District in 17.14.060,
 - d. Development regulations as indicated for the SCRO-1 District in 17.16.040
- 2. Parking standards as indicated in Section 17.34.
- 3. Signage standards as indicated in Section 17.36

17.45.040 Findings.

A. The Zoning Administrator may approve a housing development permit subject to the following finding:

1. The project conforms to the objective design standards established in Section 17.45.045 and throughout Title 17 and conforms to the development standards of the zoning district in which the project is located.

B. **Findings for denial.** The Zoning Administrator may deny a housing development permit, or approve upon the condition that the project be developed at a lower density, subject to the following findings and supported by substantial evidence in the record:

1. The project does not comply with applicable objective general plan and zoning code objective standards in effect at the time the application has been determined to be deemed complete.
2. The housing development project would have a specific, adverse impact upon the public health or safety.
3. There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than through disapproval or approval upon the condition that the project be developed at a lower density.
4. **Affordable Housing.** In addition to the findings above, the Zoning Administrator may deny a housing development permit for a proposed housing development project for very low, low-, or moderate-income households or condition approval in a manner that renders development of such a project infeasible, subject to at least one of the following findings, supported by substantial evidence in the record:
 - a. The city has met or exceeded its share of the regional housing need allocation for the planning period for each of the income categories proposed for the housing development project as identified in the housing element.
 - b. The development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - c. The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.
 - d. The development project is proposed on land which does not have adequate water or wastewater facilities to serve the project.
 - e. The development project is inconsistent with both the zoning ordinance and general plan land use designation as of the date the application was deemed complete, and the project is not proposed for a site that is identified as suitable for very low, low-,

or moderate-income households in the housing element and is inconsistent with the density specified in the housing element.

- C. As used in this section, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as of the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.
- D. Any disapproval or conditional approval of a housing development permit for a proposed project for very low, low-, or moderate-income households shall not discriminate on the basis of any of the reasons prohibited by California Government Code Section 65008.

17.45.050 Action by the Zoning Administrator.

- A. The Zoning Administrator may either grant or deny the application for housing development permit subject to the required findings under Section 17.45.040, as applicable to the project type, and may grant the permit subject to such conditions as the Zoning Administrator deems necessary or appropriate.
- B. The Zoning Administrator shall provide notice of the application and publish a staff report with a recommended decision to grant or deny a housing development permit 14 days prior to a decision on a housing development permit. The notice of the application shall be given to all owners of property within three hundred (300) feet of the exterior boundaries of the subject property.
- C. If no public comments objecting to staff's analysis of an application's consistency with objective standards are received within 14 days of the date of notice of application, the Zoning Administrator shall act on the application consistent with the recommendation contained in the staff report.
- D. If public comments objecting to staff's analysis of consistency with objective standards are received, the Zoning Administrator shall hold a public meeting to review the application and consistency analysis. Notice of the meeting shall be given to all owners of property within three hundred (300) feet of the exterior boundaries of the subject property. The notices shall be mailed not less than ten (10) or more than thirty (30) days before the date of the meeting.
- E. The housing development permit shall become effective upon the expiration of ten (10) days following the date on which the housing development permit was granted by the Zoning Administrator, unless an appeal has been filed pursuant to Chapter 17.52 of this Title.
- F. Streamlined housing development projects are exempt from the notice of application requirement above, and only a notice of decision shall be given to property owners within three hundred feet of the exterior boundaries of the subject property. Streamlined housing development projects shall be subject to the approval time limits described in California Government Code §65913.4, or successor provisions.

17.45.060 Expiration of a housing development permit--Extensions.

- A. A housing development permit granted pursuant to this chapter shall expire twenty-four (24) months from the date on which such permit became effective, unless prior to such expiration date a building permit for the structure which is the subject of the permit has been issued.
- B. A housing development permit may be extended by the Zoning Administrator for a period or periods of time not exceeding thirty-six (36) months. The application for extension shall be filed prior to the expiration date of the permit and shall be accompanied by payment of a processing fee in such amount as established from time to time by resolution of the city council. Public notice thereof shall be given in the same manner as prescribed in Section 17.45.060 of this chapter. Extension of a housing development permit is not a matter of right and the Zoning Administrator may deny the application or grant the same subject to conditions. Streamlined housing development projects shall be subject to the procedures and expiration described in California Government Code §65913.4, or successor provisions.

17.45.070 Amendment of a housing development permit—Minor Modifications.

- A. Amendments or modifications to a housing development permit shall require approval by the Zoning Administrator. The application requirements, objective standards and findings required for amendments or modifications to a housing development permit shall be as prescribed in Sections 17.45.020, 17.45.030 and 17.45.040 of this chapter.
- B. Notwithstanding the above, streamlined housing development projects shall be subject to the modification standards described in California Government Code §65913.4, or successor provisions.

SECTION 8: Section 17.56.030 and 17.56.100 are amended to read as follows:**17.56.030 Zoning administrator—Action on applications.**

- A. Except as otherwise provided in this chapter, the zoning administrator shall hear and decide the following:
 - 1. Applications for zoning conformance;
 - 2. Applications for variances;
 - 3. Applications for minor modifications;
 - 4. Applications for certain sign permits, in accordance with the provisions of Chapter 17.36 of this title;
 - 5. Applications for administrative permits for wireless telecommunication facilities, in accordance with the provisions of Section 17.32.032 of this title;
 - 6. Applications for administrative permits for solar energy systems, in accordance with the provisions of Section 17.32.060(C);

7. Applications for accessibility improvement permits, in accordance with the provisions of Sections 17.32.060(D), 17.32.070(A)(1)(f) and 17.32.080;
 8. Applications for large family day care homes, per State Health and Welfare Code Sections 1597.46(a)(3) and 1597.465; and
 9. Applications for amendments or modifications to a design permit, per Section 17.42.070.
 10. Applications for housing development permits, per Chapter 17.45.
- B. In connection with the applications provided for in this section, the zoning administrator shall have all the duties and responsibilities set forth in this title for the planning commission.

(Ord. 508 § 3, 2005; Ord. 417 § 8, 1997; Ord. 401 § 2, 1995; Ord. 253 § 15.1(C), 1984).

(Ord. No. 564, § 4, 10-3-11)

17.56.100 Appeals.

- A. Appeals from the decision of the zoning administrator, except decisions related to Housing Development Permits per Chapter 17.45 of this Title, may be made to the planning commission within seven (7) days after the action of the zoning administrator. Upon receipt of an appeal, the zoning administrator shall forward the same, together with the records on the matter, to the planning commission. The secretary to the planning commission shall set the matter for hearing before the planning commission at the earliest available date and cause notice of such hearing to be given as set forth in Chapter 17.54. The planning commission shall consider the matter in the same manner as an application for a variance.
- B. Appeals from decisions of the zoning administrator related to Housing Development Permits per Chapter 17.45 of this Title shall be made to the city council within seven (7) days after the action of the zoning administrator and shall follow the procedure set forth in Chapter 17.52. (Ord. 298 § 15.6, 1984).

SECTION 10: Where a use permit, design permit or variance approval has been issued through final action by the City prior to the effective date of this Ordinance, or where such planning permit approval is not required and a complete building permit application has been submitted prior to the effective date of this Ordinance, the holder of such use permit, design permit or variance approval or complete building permit application may proceed to construct the improvements or establish the use authorized by such permit or approval and the same shall be exempted from any conflicting regulations that may be contained in this Ordinance.

SECTION 11: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 12: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk_____
Legal Counsel

Chapter 17.02 DEFINITIONS

Sections:

17.02.425 Housing Development Project.

"Housing Development Project" means a use consisting of any of the following: two or more residential units only; a mixed-use development consisting of two or more residential units and one or more nonresidential uses with at least two-thirds of the square footage designated for residential use; or transitional housing or supportive housing, as defined by California Government Code §50801, subdivision (i) or successor provisions. A Housing Development Project may consist of attached or detached residential units and may occupy more than one parcel, so long as the Housing Development Project is included in the same development application. This definition shall be superseded by changes to California Government Code §65589.5, subdivision (h)(2), or successor provisions.

17.02.050 - Articulation.

"Articulation" means changes of plane on the outside wall of a building such as provided by decks, bays, and other projections or recesses. Articulation also includes voids resulting from a change in the shape of the outside wall. The minimum offset requirement by permit type is as follows:

- A. Housing Development Permits: a minimum of one foot of offset in a plane
- B. Design Permits: a minimum of ~~of two feet or greater, such as provided by decks, bays, and other projections or recesses~~ of offset in a plane

Articulation also includes voids resulting from a change in the shape of the outside wall.

17.02.565 Objective design standard.

"Objective design standard," also referred to "Objective zoning standard" or "objective subdivision standard", shall have the same meaning as established in California Government Code §65913.4, subdivision (a)(5), or successor provisions.

17.02.655 Public transit.

"Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge a set fare, run on fixed routes, and are available to the public.

17.02.748 Streamlined housing development project.

"Streamlined housing development project" shall mean a housing development project subject to a streamlined ministerial approval process pursuant to California Government Code §65913.4, or successor provisions.

Chapter 17.10 R-3 RESIDENTIAL DISTRICT

17.10.010 Purposes of chapter.

In addition to the objectives set forth in Section 17.01.030, the R-3 residential district (hereinafter referred to as the "R-3 district") is included in the Zoning Ordinance to achieve the following purposes:

- A. To provide a district for multiple-family dwellings;
- B. To ensure that new residential development is compatible with the existing development and reflects the diversity of the community;
- C. To ensure adequate light, air, space, fire safety, quiet, and privacy for residential uses;
- D. To implement and promote the goals and policies of the general plan so as to guide and manage residential development in the city in accordance with such plan.

(Ord. 463 § 8(part), 2002).

17.10.020 Permitted uses.

The following permitted uses shall be allowed in the R-3 district:

- A. Multiple-family dwellings;
- B. Single-family dwellings.
- C. Duplexes.
- D. Dwelling groups.
- E. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- F. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- G. Small family day care homes.
- H. Accessory dwelling units and junior accessory dwelling units, in accordance with Chapter 17.43 of this title.

(Ord. 463 § 8(part), 2002; Ord. No. 575, § 5, 12-3-12; Ord. No. 617, § 11, 9-7-17; Ord. No. 626, § 3, 5-17-18; Ord. No. 653, § 12, 10-15-20)

17.10.030 Conditional uses.

The following conditional uses may be allowed in the R-3 district, upon the granting of a use permit pursuant to Chapter 17.40 of this title:

- A. Cultural facilities;
- B. Day care centers;
- C. Educational facilities;
- D. Group care homes;
- E. Large family day care homes;

- F. Mobilehome parks;
- G. Meeting halls;
- H. Places of worship.

(Ord. 463 § 8(part), 2002).

(Ord. No. 575, § 6, 12-3-12)

17.10.040 Development regulations.

The following development regulations shall apply to any lot in the R-3 district:

- A. Lot Area.
 - 1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B. of this section.
 - 2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.
- B. Density of Development. The minimum lot area for each dwelling unit on the site shall be one thousand five hundred (1,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of three (3) units.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
 - 1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
 - 2. Side setback: Five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages, or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
 - 3. Rear setback: Ten (10) feet.
 - 4. Garage setback: Eighteen (18) feet, with the following exceptions:

a. If paragraph 1(a) or 1(b) of this subsection D applies, then the garage shall be setback three (3) feet behind the front wall of the main structure.

b. If the garage setback exemptions set forth in Section 17.32.070(A)(3)(a) of this Title apply, the regulations of that section shall prevail.

- E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%).
- F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:
 - 1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.
 - 2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.
- G. Height of Structures.
 - 1. Except as otherwise provided in paragraph 2 of this subsection G. and in Section 17.32.060, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 - 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title. A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of any permitted living area underneath shall not exceed thirty (30) feet from finish grade.
- H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
 - 1. Front outside wall: Thirty percent (30%) articulation.
 - 2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 - 3. Rear outside wall: Thirty percent (30%) articulation.
 - 4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.
- I. Landscaping Requirements.
 - 1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.

2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
 3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
 4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.
- J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.
- K. Refuse and Recycling Area Requirements.
1. ~~Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed s~~So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates shall be designed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at all enclosures for nighttime security and use. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
 2. This requirement shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to such existing developments for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project.

(Ord. 485 § 3, 2004; Ord. 463 § 8(part), 2002).

(Ord. No. 548, § 3, 11-1-10; Ord. No. 556, § 8, 2-22-11; Ord. No. 576, § 3, 5-19-16; Ord. No. 607, § 4, 4-7-16; Ord. No. 653, § 13, 10-15-20)

17.10.050 ~~Design~~P-permits.

- A. Housing Development Permit. A Housing development permit issued pursuant to Chapter 17.45 of this title shall be required for housing development projects and streamlined housing development projects within the R-3 district, including duplexes.
- B. Design Permit. A design permit issued pursuant to Chapter 17.42 of this title shall be required for every main structure to be constructed on a lot within an R-3 district, with the exception of single-family dwellings, ~~and duplexes~~housing development projects, and streamlined housing development projects.

(Ord. 463 § 8(part), 2002).

17.10.060 Parking.

All uses in the R-3 district shall comply with the parking regulations set forth in Chapter 17.34 of this title.

(Ord. 463 § 8(part), 2002).

17.10.070 Signs.

All advertising signs in the R-3 district shall comply with the sign regulations set forth in Chapter 17.36 of this chapter.

(Ord. 463 § 8(part), 2002).

Chapter 17.14 - NCRO Neighborhood Commercial District NCRO-1 Brisbane Village NCRO-2 Downtown Brisbane*[]

Sections:

17.14.010 - Purposes of chapter.

- A. The neighborhood commercial district is divided into two geographical areas, namely, the NCRO-1 district consisting of the Brisbane Village and the NCRO-2 district consisting of Downtown Brisbane, as shown on the City's zoning map adopted pursuant to Chapter 17.06 of this title and is included in the Zoning Ordinance to achieve the following purposes:
1. To create a zoning district for Central Brisbane that serves to protect and enhance the character of the subarea and provides for orderly development consistent with the direction in the city's general plan;
 2. To encourage uses to serve the community by providing goods and services to enhance the quality of life;
 3. To maintain the vitality of the downtown by including residential uses and public institutions in the commercial fabric;
 4. To respect the historical scale and character of the area; and
 5. To protect the community health and safety by establishing permit requirements and performance standards that address potential impacts of commercial activity.
6. To ensure adequate light, air, space, safety, quiet, and privacy for residential uses;
- ~~B. To achieve the purposes of this chapter, the neighborhood commercial district is divided into two geographical areas, namely: the NCRO-1 district consisting of the Brisbane Village, and the NCRO-2 district consisting of Downtown Brisbane, as shown on the city's zoning map adopted pursuant to Chapter 17.06 of this title.~~

(Ord. 462 § 2(part), 2002).

17.14.020 - Permitted uses in the NCRO-1 district.

The following uses are permitted uses in the NCRO-1 ~~and NCRO-2 districts, district,~~ if conducted in accordance with the performance standards set forth in 17.14.070 of this chapter:

- A. Financial institutions.
- B. Medical facilities.
- C. Offices.
- D. Personal services.
- E. Restaurants.
- F. Retail sales and rental.

~~G. Home occupations, in the NCRO-2 District only.~~

~~HG. Accessory dwelling units and junior accessory dwelling units associated with an existing or proposed single-family dwelling, duplex, or multiple family dwelling in compliance with the provisions of Chapter 17.43 of this title, in the NCRO-2 District only.~~

~~(Ord. 462 § 2(part), 2002).~~

~~(Ord. No. 653, § 16, 10-15-20)~~

17.14.030 - Conditional uses in the NCRO-1 district.

The following conditional uses are allowed in the NCRO-1 district, subject to obtaining a use permit and if conducted in accordance with the performance standards set forth in Section 17.14.070 of this chapter:

- A. Bars.
- B. Commercial recreation-commercial gym and health facilities.
- C. Cultural facilities.
- D. Educational facilities.
- E. Gasoline service stations.
- F. Meeting halls.
- G. Outdoor sales and rental, when associated with an adjacent use within a structure.
- H. Places of worship.
- I. Temporary uses.
- J. Veterinary clinics.
- K. Day care centers.

(Ord. 462 § 2(part), 2002).

17.14.035 - Permitted uses in the NCRO-2 district.

The following uses are permitted uses in the NCRO-2 district, if conducted in accordance with the performance standards set forth in 17.14.070 of this chapter:

- A. Financial institutions.
- B. Medical facilities.
- C. Offices.
- D. Personal services.
- E. Restaurants.
- F. Retail sales and rental.
- G. The following uses are allowed only when part of a mixed-use structure and when located above or behind nonresidential uses:
 - 1. Day care centers.
 - 2. Multiple Family Dwelling units.
 - 3. Family day care homes.
 - 4. Group care homes.
 - 5. Home occupations.
 - 6. Accessory dwelling units and junior accessory dwelling units associated with an existing or proposed single-family dwelling, duplex, or multiple-family dwelling in compliance with the provisions of Chapter 17.43 of this title

H. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.

I. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title. (Ord. 462 § 2(part), 2002).

(Ord. No. 653 , § 16, 10-15-20)

17.14.040 - Conditional uses in the NCRO-2 district.

The following conditional uses are allowed in the NCRO-2 District, subject to obtaining a use permit and if conducted in accordance with the performance standards set forth in Section 17.14.070 of this chapter:

- A. Bars.
- B. Commercial recreation-commercial gym and health facilities.
- C. Cultural facilities.
- D. Educational facilities.
- E. Meeting halls.
- F. Mixed use in single-family dwellings.
- G. Outdoor sales and rental, when associated with an adjacent use within a structure.
- H. Places of worship.

~~I. Small family day care homes.~~

~~J.~~ Temporary uses.

~~K.~~ Veterinary clinics.

~~L. The following conditional uses are allowed only when part of a mixed-use and when located above or behind nonresidential uses:~~

~~1. Day care centers.~~

~~2. Dwelling units.~~

~~3. Family day care homes.~~

~~4. Group care homes.~~

(Ord. 462 § 2(part), 2002).

17.14.050 - Development regulations for the NCRO-1 district.

Development regulations for the NCRO-1 district are as follows:

- A. Lot Area. The minimum area of any lot in the NCRO-1 district shall be twenty thousand (20,000) square feet.
- B. Lot Dimensions. The minimum dimensions of any lot in the NCRO-1 district shall be as follows:

Frontage	Width and Depth
100 feet	No requirement

- C. Setbacks. There shall be no minimum required front, side or rear setback for any lot in the NCRO-1 district, except that a 20-foot setback shall be required from any property line that is contiguous to a public right-of-way.
- D. Lot Coverage. The maximum coverage by all structures on any lot in the NCRO-1 district shall be sixty percent (60%).
- E. Height of Structures. The maximum height of any structure in the NCRO-1 district shall be thirty-five (35) feet.
- F. Landscaping requirements for the NCRO-1 district are as follows:
 - 1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
 - 2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
 - 3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.
- G. Refuse and Recycling Area Requirements.
 - 1. ~~Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so~~So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates shall be designed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at enclosures for nighttime security and use. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
 - 2. This requirement shall apply to all new commercial buildings. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases, and such recycling areas shall be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

(Ord. 462 § 2(part), 2002).

(Ord. No. 548, § 5, 11-1-10; Ord. No. 556, § 11, 2-22-11; Ord. No. 607, § 6, 4-7-16)

17.14.060 - Development regulations for the NCRO-2 district.

Development regulations for the NCRO-2 district are as follows:

- A. Lot Area. The minimum area of any lot in the NCRO-2 district shall be two thousand five hundred (2,500) square feet.
- B. Lot Dimensions. The minimum dimensions of any lot in the NCRO-2 district shall be as follows:

Width	Depth
25 feet	No requirement

- C. ~~Density Lot Area Required for~~ of Residential Use. ~~Dwelling~~The minimum lot area for each dwelling unit ~~density in a mixed-use on the site~~ shall be ~~established by the use permit, six hundred (600) square feet. The maximum lot area for each dwelling unit on the site shall be two thousand one hundred seventy-eight (2,178) square feet.~~
- D. Setbacks. The minimum required setbacks for any lot in the NCRO-2 district, except as provided in Section 17.32.070, shall be as follows:
1. Front setback: No requirement (0).
 2. Side Setback: No requirement (0), except a ten (10) foot setback shall be required on the side setback where abutting any residential district.
 3. Rear Setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot in the NCRO-2 district shall be ninety percent (90%).
- F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be: ~~twenty-eight (28) feet, except that the height may extend to thirty-five (35) feet when authorized by:~~
1. ~~Housing Development Projects and Streamlined Housing Development Projects: a design permit or ministerial designed permit granted pursuant to Chapter 17.42 and provided the approving authority finds the project consistent with the objective standards and findings in Sections 17.42.045 and 17.42.048~~thirty-five (35) feet.
 - 1-2. ~~Design Permit Applications: twenty-eight (28) feet, except that the height may extend to thirty-five (35) feet when authorized by~~ a design permit granted pursuant to Chapter 17.42 of this title and provided the approving authority ~~is able to make~~ the findings set forth in Section 17.14.110 of this chapter.
- G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential property shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential property.
- H. Storefronts. All uses at street level facing Visitacion and/or San Bruno Avenues shall be storefronts, as defined in Section 17.02.746 of this title, except for entrances to uses above or behind the storefronts. Such uses shall comply with the following additional requirements:
1. The minimum floor area for a storefront use is six hundred (600) square feet. The minimum floor area for a storefront use for lots of 30 feet in width or less is two hundred and fifty (250) square feet The approving authority may approve a lesser floor area if the approving authority finds that such lesser area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site.
 2. No off-street parking shall be located on any portion of the site between the curb line and the storefront.
 3. New construction shall incorporate the necessary vents and chases into the building design so as to allow future changes in occupancy of the storefront area.

4. Single-family dwellings in which mixed uses are conducted shall have a storefront character as viewed from the street.
- I. ~~Passive~~ Open Space. Usable ~~passive~~ open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such ~~passive~~ open space ~~shall not be less than five (5) feet in any dimension and~~ may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof. Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable ~~passive~~ open space for the other residential use. If an existing residential use has ~~passive~~ open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of ~~passive~~ open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable ~~passive~~ open space for the other residential uses, including the loss of non-conforming ~~passive~~ open space.
- J. ~~Refuse and~~ Recycling Area Requirements.
 1. ~~Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so~~So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare-, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates shall be designed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at enclosures for nighttime security and use. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
 2. This requirement shall apply to all new commercial or institutional buildings, residential and mixed-use buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

(Ord. 462 § 2(part), 2002).

(Ord. No. 556, § 12, 2-22-11; Ord. No. [653](#), § 17, 10-15-20)

17.14.070 - Performance standards.

All uses in the neighborhood commercial district shall be conducted in accordance with the following performance standards:

- A. All routine aspects of the day-to-day operations of a business, including the storage of materials and products, shall be conducted entirely within an enclosed structure, with the exception of the following:
 1. Outdoor seating associated with a restaurant or retail food sales.
 2. Outdoor activities specifically authorized by a use permit.
 3. Parking of operable vehicles related to the authorized uses conducted on the site.

4. Shipments and deliveries incidental to the conduct of the primary uses on the site.
- B. The following screening requirements shall apply to all uses:
 1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall be screened from off-site view to the extent it is reasonably possible to do so.
 2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, landscaping, or any combination of the foregoing.

The foregoing screening requirements are not intended to be exclusive and the approving authority may require, as a condition of the use permit or design permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

- C. The site shall be kept free of trash and debris ~~and all receptacles for collection and recycling shall be completely screened from view at street level.~~
- D. Sound insulation, housing or baffles, or other reasonable measures, shall be installed in conjunction with heating, air conditioning, and ventilating equipment or other machinery when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.
- E. Odors that would be offensive to persons of normal sensibilities shall not be distinctly detectable from any off-site location.
- F. Lighting shall be designed to avoid excessive glare as viewed from offsite locations, in compliance with the California Green Building Standards Code.

(Ord. 462 § 2(part), 2002).

(Ord. No. 556, § 13, 2-22-11)

17.14.080 - Night operations.

- A. Definitions. For the purposes of this section, the following words and phases shall have the meanings respectively ascribed to them as set forth below:
 1. "Existing business" means a business or other use that is legally operating within the neighborhood commercial district as of February 25, 2002, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.
 2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.
- B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in ~~Paragraph subsection (c)~~ of this section, no business or other use, with the exception of residential uses, shall engage in the conduct of night operations at any location within the neighborhood commercial district unless a use permit for such night operations has been granted pursuant to this chapter. The requirement for a use permit is applicable only to the commercial component of a project.
- C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations prior to February 25, 2002, may continue to conduct such night operations on the same site and shall be exempted from the requirement to obtain a use permit pursuant to this Section 17.14.070. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.

- D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by Section 17.14.070.
- E. Findings for Use Permit Approval. In addition to the findings required for approval of a use permit, as set forth in Section 17.40.060 and elsewhere in this chapter, no use permit shall be granted for the conduct of night operations in the neighborhood commercial district unless the planning commission also finds and determines that the night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties.
- F. Use Permit Conditions. Without limiting the authority of the planning commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the neighborhood commercial district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit.

(Ord. 462 § 2(part), 2002).

17.14.090 - Parking.

Off-street parking facilities shall be provided for each use on the site in accordance with the requirements set forth in Chapter 17.34 of this title; provided however, that no off-street parking shall be required for storefront uses in the NCRO-2 district.

(Ord. 462 § 2(part), 2002).

17.14.100 - Signs.

Signs allowed in the neighborhood commercial district are as specified in the sign regulations set forth in Chapter 17.36 of this title.

(Ord. 462 § 2(part), 2002).

17.14.110 - Design review.

A. Housing Development Permits. Housing Development Projects and Streamlined Housing Development Projects are subject to the findings in Section 17.45.040 and the objective design standards in Section 17.45.030 and are not subject to the findings in subsection B below.

B. Design Permits. The construction of any principal structure in the neighborhood commercial district, except for Housing Development Projects and Streamlined Housing Development Projects, shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this title and any applicable design guidelines adopted by the city.

Where the structure will be located in the NCRO-2 district, no design permit shall be granted unless all of the following additional findings can be made:

A1. The design respects the intimate scale and vernacular character of the street.

B2. Design details are incorporated to articulate the building and emphasize the relationship to the pedestrian environment.

~~€3.~~ The design incorporates creative use of elements that are characteristic of the area, such as awnings, overhangs, inset doors, tile decoration, and corner angles for entry.

~~Ø4.~~ Color and texture are provided at the street through the use of signage, lighting, planter boxes, or other urban landscape treatments.

~~£5.~~ Landscaping has been incorporated to enhance the design and enliven the streetscape.
(Ord. 462 § 2(part), 2002).

Chapter 17.16 SCRO-1 SOUTHWEST BAYSHORE COMMERCIAL DISTRICT

Sections:

17.16.010 Purposes of chapter.

The general plan designates several areas of the city for subregional commercial/retail/office use (SCRO). The SCRO-1 Southwest Bayshore commercial district (hereinafter referred to as the Southwest Bayshore district) is one of such planning areas and is included in the zoning ordinance codified in this title to achieve the following purposes:

- A. To create a zoning district for the Southwest Bayshore area that provides for orderly development consistent with the land use policies for that area as set forth in the city's general plan;
- B. To encourage a mix of subregional uses and the opportunity to include mixed-uses and residential uses when appropriate;
- C. To ensure that future development will be conducted in a manner that will adequately address the environmental constraints in the Southwest Bayshore district, as identified in the general plan;
- D. To address historical issues of incompatible land uses; ~~and~~
- E. To protect the community health and safety by establishing permit requirements, performance standards, and special findings for the establishment of uses in the Southwest Bayshore district; ~~i~~
- F. To provide an opportunity for multiple-family dwellings;
- G. To ensure that new residential development is compatible with existing development and reflects the diversity of the community;
- H To ensure adequate light, air, space, safety, quiet, and privacy for residential uses;
- I. To implement and promote the goals and policies of the General Plan so as to guide and manage residential development in the city in accordance with such Plan.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.020 Permitted uses.

- A. The following are permitted uses in the SCRO-1 district:
 - 1. Emergency shelters in compliance with Section 17.16.040.
 - 2. Accessory dwelling units and junior accessory dwelling units associated with an existing or proposed single-family dwelling, duplex, or multiple-family dwelling in compliance with the provisions of Chapter 17.43 of this title.
 - 3. Multiple-family dwellings;
 - 54. Duplexes.
 - 6-5. Dwelling groups.
 - 76. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.

~~87.~~ Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.

~~89.~~ Small and large family day care homes.

~~140.~~ A mixed use project that meet the definition of a Housing Development Project or a Streamlined Housing Development Project as defined in Chapter 17.02.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11; Ord. No. 626, § 6, 5-17-18; Ord. No. 653, § 18, 10-15-20)

17.16.030 Conditional uses.

A. Allowable Conditional Uses. The following conditional uses, not otherwise permitted per Section 17.16.020(A), may be allowed in the Southwest Bayshore district, upon the granting of a use permit pursuant to Chapter 17.40 of this title and if conducted in accordance with the performance standards set forth in Section 17.16.050 of this chapter:

1. Commercial recreation/commercial gym and health facilities;
2. Contractor's yards;
3. Convalescent homes;
4. Cultural facilities;
5. ~~Duplex dwelling units;~~
- ~~6.~~ Educational facilities;
- ~~76.~~ Emergency shelters with more than twelve (12) beds;
- ~~87.~~ Financial institutions;
- ~~98.~~ Food production;
- ~~9.~~ ~~10.~~ Group care homes;
- ~~10.~~ ~~11.~~ Hotels;
- ~~11.~~ ~~12.~~ Large family day care homes;
- ~~13.~~ Light fabrication;
- ~~12.~~ ~~14.~~ Live/work developments;
- ~~13.~~ ~~15.~~ Media studios;
- ~~16.~~ ~~14.~~ Medical facilities;
- ~~17.~~ ~~15.~~ Meeting halls;
- ~~1816.~~ Mobilehome parks in compliance with Section 17.32.110;
- ~~17.~~ ~~19.~~ Motels;
- ~~18.~~ ~~20.~~ Multiple family dwellings and dwelling groups;
- ~~21.~~ Offices;
- ~~19.~~ ~~22.~~ Outdoor sales and rental;
- ~~23.~~ ~~20.~~ Personal services;
- ~~24.~~ ~~21.~~ Places of worship;

- ~~25.~~ 22. Printing;
- ~~26~~23. Product showrooms;
- ~~27~~24. Research and development, where the planning director determines, as a result of a risk analysis performed in accordance with Policy No. 166.1 of the general plan, that the use of hazardous materials will not constitute a major component of the research and development activities to be conducted on the site. Research and development involving cannabis is additionally subject to the requirements in Chapter 17.33;
- ~~25.~~ 28. Restaurants;
- ~~26.~~ 29. Retail sales and rental;
- ~~27~~30. Single-family dwellings and single-family dwellings with accessory dwelling units in compliance with the provisions of Chapter 17.43 of this Title;
- ~~31~~28. Storage;
- ~~32.~~ 29. Veterinary clinics;
- ~~33.~~ 30. Warehousing;
- ~~34~~31. Single-room occupancy units.

- B. Mixed Uses. ~~AFor a mixed use project that does not meet the definition of a Housing Development Project or Streamlined Housing Development Project, as defined in Chapter 17.02, a~~ combination of any residential and nonresidential uses listed in subsection A of this ~~section~~Section 17.16.030, or in Section 17.16.020, may be allowed as a mixed use within the same structure or upon the same site when specifically authorized by the use permit granted for each individual conditional use and upon such additional conditions as the approving authority may deem necessary or appropriate to insure the compatibility of such mixed uses.
- C. Night Operations. Night operations associated with the conduct of any uses listed in subsection A of this section (except residential uses) shall require a use permit when subject to the provisions of Section 17.16.070 of this chapter.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11; Ord. No. 622, § 3, 11-16-17; Ord. No. 617, § 13, 9-7-17; Ord. No. 626, § 6, 5-17-18)

17.16.040 Development regulations.

Development regulations in the Southwest Bayshore district are as follows:

- A. Lot Area. The minimum area of any lot shall be seven thousand five hundred (7,500) feet.
- B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:
1. Single-family dwellings: Seven thousand five hundred (7,500) square feet;
 2. Duplex dwellings: Three thousand seven hundred fifty (3,750) square feet;
 3. Multiple-family dwellings and dwelling groups: One thousand five hundred (1,500) square feet;
 4. Mixed use or live/work development: Dwelling unit density shall be determined by the use permit.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
-------	-------

50 feet	No requirement
---------	----------------

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
1. Front setback:
 - a. Residential/Mixed Use: Ten (10) feet;
 - b. Commercial Uses: Twenty-five (25) feet for commercial uses;
 - c. Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
 2. Side setback:
 - a. Residential/Mixed Use: Five (5) feet;
 - b. Commercial Uses: Fifteen (15) feet;
 - c. Exception: The planning commission may approve exceptions to the side setback regulations for commercial uses through the granting of a use permit.
 3. Rear setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).
- F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be thirty-five (35) feet.
- G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential district shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential district.
- H. Open Space. Usable open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such open space shall not be less than five (5) feet in any dimension and may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof.
- Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable open space for the other residential use. If an existing residential use has open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable open space for the other residential uses, including the loss of non-conforming open space.
- I. Landscaping Requirements.
1. Not less than ten percent (10%) of the lot area shall be improved with landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscape area. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.
 2. Plant materials shall be drought resistant and non-invasive as required by the planning director.

3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

~~H.J.~~ Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.
2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.
3. The screening requirements set forth in subsections H.1. and H.2. of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

~~I.~~ ~~K.~~ Refuse and Recycling Area Requirements.

- ~~1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so~~
1. So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates should be detailed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at enclosures for nighttime security and use. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

17.16.050. Emergency Shelters. Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:

1. No emergency shelter shall be allowed to be located within three hundred (300) feet of another emergency shelter.
2. The required setbacks for new development shall be:
 - a. Front setback: Ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
 - b. Side setback: Five (5) feet; except that the planning commission may approve exceptions to the side setback regulations through the granting of a use permit.
 - c. Rear setback: Ten (10) feet.
3. A maximum of twelve (12) persons (twelve (12) beds) to be served nightly.
4. Each resident shall be provided personal living space.
5. Bathrooms and bathing facilities shall be provided, adequate for the number of residents.
6. Laundry facilities or services shall be provided on site, adequate for the number of residents.
7. The length of stay for individual clients shall not exceed six (6) months, or as allowed by state law.
8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with Section 17.16.050.E.
10. For security, the shelter shall be adequately staffed twenty-four (24) hours a day, seven (7) days a week.
11. Parking shall be as specified in Chapter 17.34.
12. Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of five (5:00) a.m. and ten (10:00) p.m. A night operations use permit is required for outdoor activities between the hours of ten (10:00) p.m. and five (5:00) a.m., as provided for in Section 17.16.070.
13. The facility may provide the following:
 - a. Kitchen facilities;
 - b. Dining area;
 - c. Recreation room;
 - d. Training and counseling support services;
 - e. Child care facilities;
 - f. Other facilities or services that are accessory to an emergency shelter.
14. Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be provided to the planning director. The management plan must include provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, provisions for residents' meals (including special dietary needs), medical care, mental health care, dental care, temporary

storage of residents' personal belongings, safety and security, provisions in case of area-wide emergencies, screening of residents to ensure compatibility with services provided at the facility, plans to help secure other provisions for those who may not be part of the shelter's target population, computer access for residents, and training, counseling and social service programs for residents, as applicable.

~~K~~M.

Mobile Home Parks.

1. Mobile home parks in the SCRO-1 district shall be subject to the development and parking standards established in Chapter 17.11 of this Title.
2. Conversion, closure, or cessation of a mobile home park in the SCRO-1 district shall be subject to the procedures established in Section 17.11.090 of this Title.

(Ord. 443 § 2(part), 2000).

(Ord. No. 548, § 6, 11-1-10; Ord. No. 556, § 15, 2-22-11; Ord. No. 564, § 2, 10-3-11; Ord. No. 607, § 7, 4-7-16; Ord. No. 630, § 3, 12-6-18; Ord. No. 653, § 19, 10-15-20)

17.16.050 Performance standards.

All uses in the Southwest Bayshore district shall be conducted in accordance with the following performance standards:

- A. All routine aspects of the day-to-day operations of a business, including the storage of materials and products, shall be conducted entirely within an enclosed structure, with the exception of the following:
 1. Outdoor activities specifically authorized by the use permit;
 2. Parking of operable vehicles related to the authorized uses conducted on the site;
 3. Shipments and deliveries incidental to the conduct of the primary use on the site.
 4. Emergency shelter outdoor activities as set forth in Section 17.16.040(~~J~~)(12).
- B. The site shall be kept free of trash and debris ~~and all receptacles for collection and recycling shall be completely screened from view at street level.~~
- C. Sound insulation housing or baffles, or other reasonable measures, shall be installed in conjunction with heating and ventilating equipment or other machinery when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.
- D. Odors from any use shall not be generally or distinctly detectable from any off-site location.
- E. Lighting shall be designed to avoid excessive glare as viewed from offsite locations and in compliance with the California Green Building Standards Code. Lighting shall also be stationary, shielded or otherwise directed away from direct view of the light source as viewed from adjacent properties and public rights of way, and of intensity compatible with the neighborhood.
- F. Site development shall minimize disturbance of existing natural slopes to the extent feasible, maintain public view corridors of the San Francisco Bay and San Bruno Mountain, minimize rooftop glare, and screen exterior mechanical equipment.

(Ord. 443 § 2(part), 2000).

(Ord. No. 556, § 16, 2-22-11; Ord. No. 564, § 2, 10-3-11)

17.16.060 Special findings.

In addition to the findings required for approval of a use permit as set forth in Section 17.40.060, no use permit shall be granted for any conditional use in the Southwest Bayshore district unless the approving authority also makes such of the following findings as may be applicable to the application:

- A. Adequate measures have been taken to protect workers and residents from the twenty-four (24) hour noise generated by traffic on Bayshore Boulevard.
- ~~B. The design for projects with residential uses has incorporated measures to buffer the units from potential adverse impacts from nearby and adjacent non-residential uses.~~
- ~~C. The design for projects with residential uses includes outdoor areas, such as courts, yards or decks, securely separated from the street.~~
- ~~B.~~
- ~~D.~~ The improvements have been designed in a manner that will make adequate provision for on-site parking and traffic circulation and safe ingress to and egress from the site.
- ~~E.C.~~ The improvements have been designed to be compatible with the topography and soils of the hillside.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.070 Night operations.

- A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as set forth below:
 - 1. "Existing business" means a business or other use that is legally operating within the Southwest Bayshore district as of February 9, 2000, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.
 - 2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.
- B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in subsection C of this section, no business or other use, with the exception of residential uses, shall engage in the conduct of night operations at any location within the Southwest Bayshore district unless a use permit for such night operations has been granted pursuant to this chapter. The requirement for a use permit is applicable only to the commercial component of the project.
- C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations prior to February 9, 2000, may continue to conduct such night operations on the same site and shall be exempted from the requirement to obtain a use permit pursuant to this section. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.
- D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by this section.

- E. Findings for Use Permit Approval. In addition to the findings required for approval of a use permit, as set forth in Section 17.40.060 and elsewhere in this section, no use permit shall be granted for the conduct of night operations in the Southwest Bayshore district unless the planning commission also finds and determines that the night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties.
- F. Use Permit Conditions. Without limiting the authority of the planning commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the Southwest Bayshore district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance of the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.080 Parking.

Off-street parking facilities shall be provided for each use on the site in accordance with the requirements set forth in Chapter 17.34 of this title.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.090 Signs.

Signs allowed in the Southwest Bayshore district are as specified in Chapter 17.36 of this title.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.100 Design review.

A. Housing Development Permits. Housing Development Projects and Streamlined Housing Development Projects are subject to the findings in Section 17.45.040 and the objective design standards in Section 17.45.030.

B. The construction of any principal structure in the Southwest Bayshore district, except a single-family or duplex dwelling or emergency shelter as set forth in Section 17.16.040, ~~L~~ or a Housing Development Project or Streamlined Housing Development Project, as defined in Chapter 17.02 and permitted by Chapter 17.45, shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this title and any applicable design guidelines adopted by the city.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

17.16.110 Visual impact analysis.

All projects, including single-family and duplex dwellings, but excluding emergency shelters as set forth in Section 17.16.040(~~L~~), and Housing Development Projects and Streamlined Housing Development Projects as

| defined in Chapter 17.02, shall submit a visual impact analysis, in accordance with guidelines approved by the planning commission, to address the following design issues: relationship to steep slopes; public view corridors; view of San Francisco Bay and San Bruno Mountain; material and lighting, especially as pertains to light and glare; treatment of roofs and the screening of mechanical equipment.

(Ord. 443 § 2(part), 2000).

(Ord. No. 564, § 2, 10-3-11)

Chapter 17.42 DESIGN PERMITS

Sections:

17.42.010 ~~Requirement for design permit~~Applicability.

- A. Except as otherwise provided in subsection B of this section, a design permit shall be required for the construction of any new principal structure or the substantial modification of an existing principal structure for which no design permit has previously been issued. As used herein, the term "substantial modification" means an alteration or expansion of the exterior and/or interior of the structure to the extent of significantly modifying its basic design, elevations, size, appearance, or relationship to adjacent properties or structures, as determined by the planning director.
- B. No design permit shall be required for the construction or substantial modification of any single-family dwelling, ~~secondary accessory~~ dwelling unit, junior accessory dwelling unit, duplex, or accessory structure, unless part of a dwelling group totaling three (3) or more units or part of a mixed use development, or a design permit for such structure has been required as a condition of a development approval granted by the city. No design permit shall be required for the construction or substantial modification of an emergency shelter of twelve (12) beds or less, as set forth in Section 17.16.040(J).
- C. No design permit shall be required for housing development projects or streamlined housing development projects, as defined in Chapter 17.02; provided, however, housing development projects and streamlined housing development projects are subject to the housing development permit requirements set forth in Chapter 17.45.

(Ord. 449 § 1(part), 2000).

(Ord. No. 564, § 3, 10-3-11)

17.42.020 Application for design permit.

- A. Contents of Application. Application for a design permit shall be filed with the planning director on such form as the planning director shall prescribe. The application shall be accompanied by legible and reproducible sets of completely dimensioned, scaled site development and architectural plans, with bar scales, showing such of the following items as the planning director deems appropriate in order to evaluate and process the application:
 - 1. Existing and/or proposed structures with floor plans (with the use of each room/space labeled), roof plans, and elevations of all sides of the existing and/or proposed structures, identifying colors and materials as appropriate, indicating the height from natural and/or finish grade on each elevation of the tallest points of the structure (cross-sections may also be required based upon the complexity of the design), and including UBC type of construction;
 - ~~2. For covered projects as defined by Section 15.80.030, green building documentation per Section 15.80.060(A) sufficient to be approved per Section 15.80.060(C).~~
 - ~~32.~~ Accurately dimensioned property lines, setbacks, structures on adjacent properties (and their uses), streets, easements, existing and proposed utilities, and building coverage and lot area calculations;
 - ~~43.~~ Location of existing trees by size (circumference measured twenty-four (24) inches above grade) and type, indicating those proposed for removal;

- ~~54.~~ Conceptual landscaping plans showing species, common name, size and number of plantings, with description of proposed plantings (height at maturity, time to maturity, color, drought/wind/salt tolerance, and deciduousness), calculation of the total square footage of proposed irrigated landscaped area and explanation of proposed method of irrigation;
- ~~65.~~ Existing and proposed parking facilities, including the dimensions of parking spaces, number and location of spaces designated as compact or handicapped spaces, and a calculation of the number of parking spaces required by this title or any other applicable regulations;
- ~~76.~~ Paving details, improved street width (curb-to-curb), sidewalks, and driveway cuts;
- ~~87.~~ Existing and proposed topography of the property (at five (5) foot intervals), clearly indicating any proposed grading and filling and the amounts in cubic yards of proposed excavation, fill and removal from the site. If requested by the planning director, a soils report and/or geotechnical study shall also be furnished;
- ~~98.~~ Drainage details, exterior lighting, trash enclosures, signs, fences and method of screening exterior mechanical equipment (including rooftop air-conditioning units, transformers and public utilities);
- ~~109.~~ Material and color samples and colored rendering of the project;
- ~~1110.~~ Photographs of the Site. Photomontages of the proposal may also be required dependent upon the visual significance of the proposal.

B. **Application Fee.** The application shall be accompanied by the payment of a processing fee in such amount as established from time to time by resolution of the city council. In addition to the processing fee, the applicant shall also deposit such amounts as the planning director may require from time to time to cover the cost of any environmental investigations or reports, ~~geotechnie~~geotechnical and engineering reports, review of green building documentation, and such other investigations and reports that may be required by the city in connection with the processing of the application.

C. **Newly Constructed Condominiums.** In addition to the information listed in this section, an application for a design permit for newly constructed condominiums, as defined in BMC 17.30.020(A), shall also include the materials ~~stipulated~~set forth in Section 17.30.040.

(Ord. 524 § 4, 2007; Ord. 449 § 1(part), 2000).

(Ord. No. 564, § 3, 10-3-11; Ord. No. 612, § 19, 12-8-16)

17.42.030 Public hearing by planning commission—Notice.

The planning commission shall conduct a public hearing on the application for a design permit. Notice of such hearing shall be given as set forth in Chapter 17.54.

(Ord. 449 § 1(part), 2000).

(Ord. No. 564, § 3, 10-3-11; Ord. No. 612, § 20, 12-8-16)

17.42.040 Findings required for issuance of design permit.

The planning commission may grant a design permit as applied for or in modified form if, on the basis of the application and the evidence submitted, the commission finds and determines ~~that the proposed development is consistent with the general plan and any applicable specific plan and the commission also makes such of the~~ following findings as may be applicable to the proposed development:

~~AA.~~ The proposed development is consistent with the General Plan and any applicable specific plan.

~~B.~~ The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.

~~BC.~~ The orientation and location of buildings, structures, open spaces and other features integrate well with each other and maintain a compatible relationship to adjacent development.

~~CD.~~ Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.

~~DE.~~ The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability.

~~EE.~~ For hillside development, the proposal respects the topography of the site and is designed to minimize its visual impact. Significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park are preserved.

~~FG.~~ The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.

~~GH.~~ The proposal encourages alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation.

~~HJ.~~ The site provides open areas and landscaping to complement the buildings and structures. Landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping is generally water conserving and is appropriate to the location. Attention is given to habitat protection and wildland fire hazard as appropriate.

~~IJ.~~ The proposal takes reasonable measures to protect against external and internal noise.

~~JK.~~ Consideration has been given to avoiding off-site glare from lighting and reflective building materials.

~~KL.~~ Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.

~~LM.~~ Signage is appropriate in location, scale, type and color, and is effective in enhancing the design concept of the site.

~~MN.~~ Provisions have been made to meet the needs of employees for outdoor space.

(Ord. 449 § 1(part), 2000).

(Ord. No. 556, § 27, 2-22-11; Ord. No. 564, § 3, 10-3-11)

17.42.045 Special findings.

- A. ~~The planning commission may deny a design permit for a proposed housing development project, or approve it upon the condition that the project be developed at a lower density, even though the project complies with applicable general plan and zoning standards and design review criteria in effect at the time the application is determined to be complete, subject to both of the following findings, supported by substantial evidence in the record:~~
1. ~~The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density.~~
 2. ~~There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than through disapproval or approval upon the condition that the project be developed at a lower density.~~
- B. ~~In addition to the findings above, the planning commission may deny a design permit for a proposed housing development project for very low, low-, or moderate-income households or condition approval in a manner that renders development of such a project infeasible, subject to at least one of the following findings, supported by substantial evidence in the record:~~
1. ~~The city has met or exceeded its share of the regional housing need allocation for the planning period for each of the income categories proposed for the housing development project as identified in the housing element.~~
 2. ~~The development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.~~
 3. ~~The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.~~
 4. ~~The development project is proposed on land which does not have adequate water or wastewater facilities to serve the project.~~
 5. ~~The development project is inconsistent with both the zoning ordinance and general plan land use designation as of the date the application was deemed complete, and the project is not proposed for a site that is identified as suitable for very low, low-, or moderate-income households in the housing element and is inconsistent with the density specified in the housing element.~~
- C. ~~As used in this section, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as of the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.~~
- D. ~~Any disapproval or conditional approval of a design permit for a proposed housing development project for very low, low-, or moderate-income households shall not discriminate on the basis of any of the reasons prohibited by California Government Code Section 65008.~~

~~(Ord. No. 564, § 3, 10-3-11)~~

17.42.050 Action by planning commission.

- A. The planning commission may either grant or deny the application for design permit and may grant the permit subject to such conditions as the planning commission deems necessary or appropriate in order to make the findings prescribed by Section 17.42.040.
- B. The design permit shall become effective upon the expiration of fifteen (15) days following the date on which the design permit was granted by the planning commission, unless an appeal has been taken to the city council pursuant to Chapter 17.52 of this title.

(Ord. 449 § 1(part), 2000).

(Ord. No. 564, § 3, 10-3-11)

17.42.060 Expiration of design permit—Extensions.

- A. A design permit granted pursuant to this chapter shall expire twenty-four (24) months from the date on which such permit became effective, unless prior to such expiration date a building permit for the structure which is the subject of the permit is issued and construction is commenced.
- B. A design permit may be extended by the planning commission for a period or periods of time not exceeding thirty-six (36) months. The application for extension shall be filed prior to the expiration date of the permit and shall be accompanied by payment of a processing fee in such amount as established from time to time by resolution of the city council. A public hearing shall be conducted on the application for extension and notice thereof shall be given in the same manner as prescribed in Section 17.42.030 of this chapter. Extension of a design permit is not a matter of right and the approving authority may deny the application or grant the same subject to conditions.

(Ord. 449 § 1(part), 2000).

(Ord. No. 564, § 3, 10-3-11)

17.42.070 Amendment of design permit—Minor modifications.

- A. Amendments or modifications to a design permit shall require approval by the planning commission, except that the zoning administrator shall have authority to approve the following matters:
 - 1. Any items which, under the terms of the design permit, have been delegated to the zoning administrator for approval, either as a condition for issuance of the permit or at any time thereafter;
 - 2. Minor changes during the course of construction which do not materially affect the use, nature, appearance, quality or character of the project.
- B. The application requirements, public hearing procedures and findings required for amendments or modifications to a design permit shall be as prescribed in Sections 17.42.020, 17.42.030 and 17.42.040 of this chapter.

(Ord. 449 § 1(part), 2000).

(Ord. No. 564, § 3, 10-3-11)

17.42.080 Appeals to city council.

Any determination or decision by the planning commission under this chapter may be appealed to the city council in accordance with the procedure set forth in Chapter 17.52 of this title.

(Ord. 449 § 1(part), 2000).

(Ord. No. 564, § 3, 10-3-11)

Chapter 17.45 Housing Development Permits.

17.45.010 Applicability.

- A. Except as otherwise provided in subsection B of this section, a housing development permit shall be required for the construction of any new principal structure that meets the definition of a Housing Development Project or a Streamlined Housing Development Project, as defined in Chapter 17.02.
- B. No housing development permit shall be required for the construction or substantial modification of a single-family dwelling, accessory dwelling unit, or junior accessory dwelling unit, unless part of a dwelling group totaling three (3) or more units. No housing development permit shall be required for the construction or substantial modification of a duplex, unless the duplex is located in the R-3 Zoning District.
- C. The Community Development Director shall determine applicability of this Section within 30 days of submittal of a complete housing development permit application.

17.45.020 Application.

- A. Contents of Application. Applications for a housing development permit shall be filed with the planning director on such form as the planning director shall prescribe. The application shall be accompanied by legible and reproducible sets of completely dimensioned, scaled site development and architectural plans, with bar scales, showing such of the following items as the planning director deems appropriate in order to evaluate and process the application:
 - 1. Existing and/or proposed structures with floor plans (with the use of each room/space labeled), roof plans, and elevations of all sides of the existing and/or proposed structures, identifying colors and materials as appropriate, indicating the height from natural and/or finish grade on each elevation of the tallest points of the structure (cross-sections may also be required based upon the complexity of the design), and including UBC type of construction;
 - 2. Accurately dimensioned property lines, setbacks, structures on adjacent properties (and their uses), streets, easements, existing and proposed utilities, and building coverage and lot area calculations;
 - 3. Location of existing trees by size (circumference measured twenty-four (24) inches above grade) and type, indicating those proposed for removal;
 - 4. Conceptual landscaping plans showing species, common name, size and number of plantings, with description of proposed plantings (height at maturity, time to maturity, color, drought/wind/salt tolerance, and deciduousness), calculation of the total square footage of proposed irrigated landscaped area and explanation of proposed method of irrigation;

5. Existing and proposed parking facilities, including the dimensions of parking spaces, number and location of spaces designated as compact or handicapped spaces, and a calculation of the number of parking spaces required by this title or any other applicable regulations;
 6. Paving details, improved street width (curb-to-curb), sidewalks, and driveway cuts;
 7. Existing and proposed topography of the property (at five (5) foot intervals), clearly indicating any proposed grading and filling and the amounts in cubic yards of proposed excavation, fill and removal from the site. If requested by the planning director, a soils report and/or geotechnical study shall also be furnished;
 8. Drainage details, exterior lighting, trash enclosures, signs, fences and method of screening exterior mechanical equipment (including rooftop air-conditioning units, transformers and public utilities);
 9. Material and color samples and colored rendering of the project;
 10. Photographs of the Site. Renderings of the proposal may also be required dependent upon site circumstances.
- B. Application Fee.** The application shall be accompanied by the payment of a processing fee in such amount as established from time to time by resolution of the city council. In addition to the processing fee, the applicant shall also deposit such amounts as the planning director may require from time to time to cover the cost of any environmental investigations or reports, geotechnical and engineering reports, review of green building documentation, and such other investigations and reports that may be required by the city in connection with the processing of the application.
- C. Newly Constructed Condominiums.** In addition to the information listed in this section, an application for a housing development permit for newly constructed condominiums, as defined in 17.30.020(A) of this Title, shall also include the materials stipulated in Section 17.30.040.
- B. Streamlined Housing Development Projects.** Applications for Streamlined Housing Development Projects shall include additional supporting documentation to demonstrate eligibility as set forth on a form prescribed by the city.

17.45.030 Objective Standards.

Housing development projects and streamlined housing development projects must be consistent with each of the objective design standards below. Supplementary Housing Development Design Guidelines may be established and may be used as a supplement to these objective standards:

A. Site design.

1. A minimum of one (1) main exterior pedestrian entrance shall be publicly visible per building. Buildings entirely located greater than 50' from front property line are excluded from this requirement if another building on that site has at least one main publicly-visible exterior pedestrian entrance.

2. At least 50% percent of any street-facing, ground-floor facade shall be parallel to the street.

B. Roof design. Rooflines shall be articulated at least every 50 feet along the street frontage. For purpose of this standard, roofline articulation can be achieved through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height, roof planes, special treatment of corner elements, and/or form.

C. Materials.

1. Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.
2. Buildings over two stories must provide a ground floor elevation that is distinctive from the upper stories by providing a material change between the first floor and upper floors along at least 75% of the building façade with frontage upon a street, adjacent public park, or public open space.
3. Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.
4. Exterior materials and finishes shall be consistent with the proposed architectural style.
5. Exterior primary (non-accent) materials and finishes shall be durable and have a demonstrated service life of at least 30 years (e.g. a warranty period provided by its installer).
6. At least two materials shall be used on any building frontage, in addition to glazing, trim, railings, and any visible roofing or building skirt materials.
7. For buildings in the SCRO-1 and NCRO-2 Districts, durable and highly resistant building base materials, such as precast concrete, brick, stone masonry, and commercial grade ceramic, shall be selected to withstand pedestrian traffic.
8. Materials for roofing, buildings, and windows shall be consistent with the Community Development Department's Supplemental Housing Development Design Guidelines.

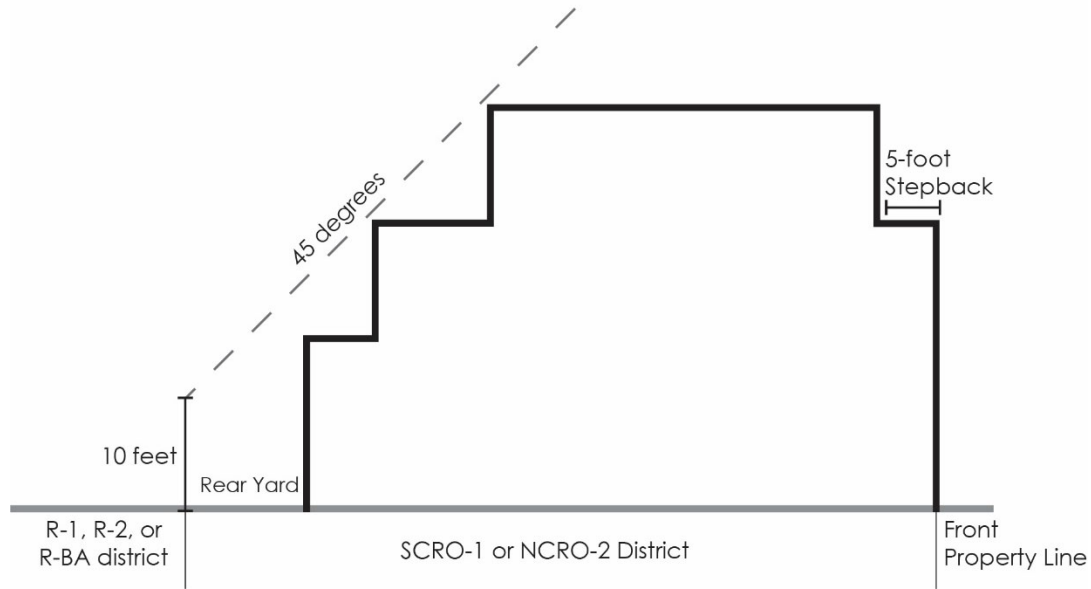
D. Window design. Window trim of at least one inch width shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows may be recessed from wall plane by a minimum of three inches.

E. Stepbacks. For buildings in the SCRO-1 and NCRO-2 Districts:

1. **Front:** Structures shall include a 5-foot minimum front step-back for the 3rd story or any floor above 25 feet along at least 30% of the frontage, and a 10-foot minimum front step-back for the 4th story or any floor above 35 feet in height. For corner lots, the stepped back portion of the structure shall be located away from the corner, defined as the portion of the structure that faces the intersection of two public rights of way, in order to add emphasis to architectural corner elements.

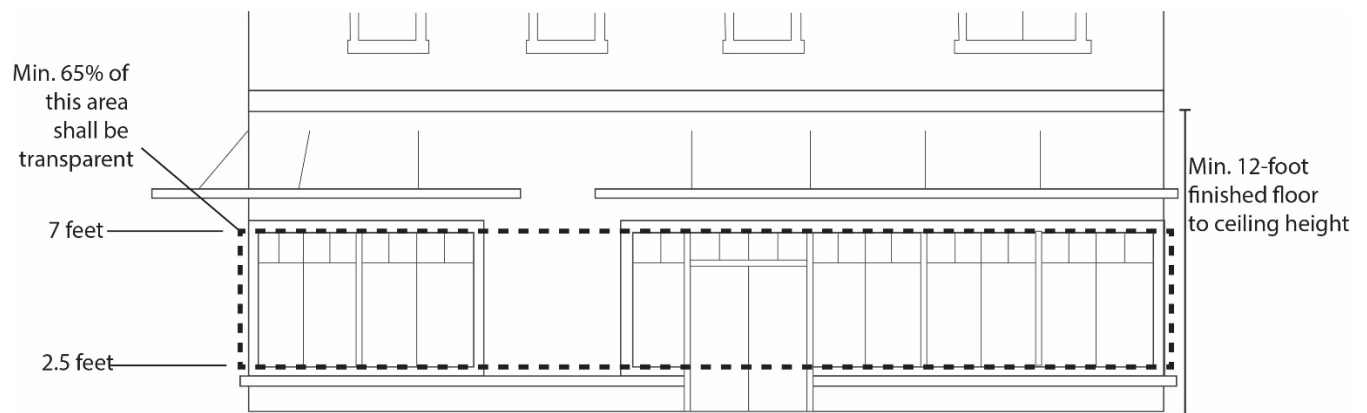
2. **Rear and interior side:** Structures shall not intercept a forty-five-degree inclined plane inward from a height of ten feet above existing grade at any rear or interior lot line adjoining an R-1, R-2, or R-BA district.

Figure 17.45.030-1 SCRO-1 and NCRO-2 Stepbacks



F. Ground Floor Requirements.

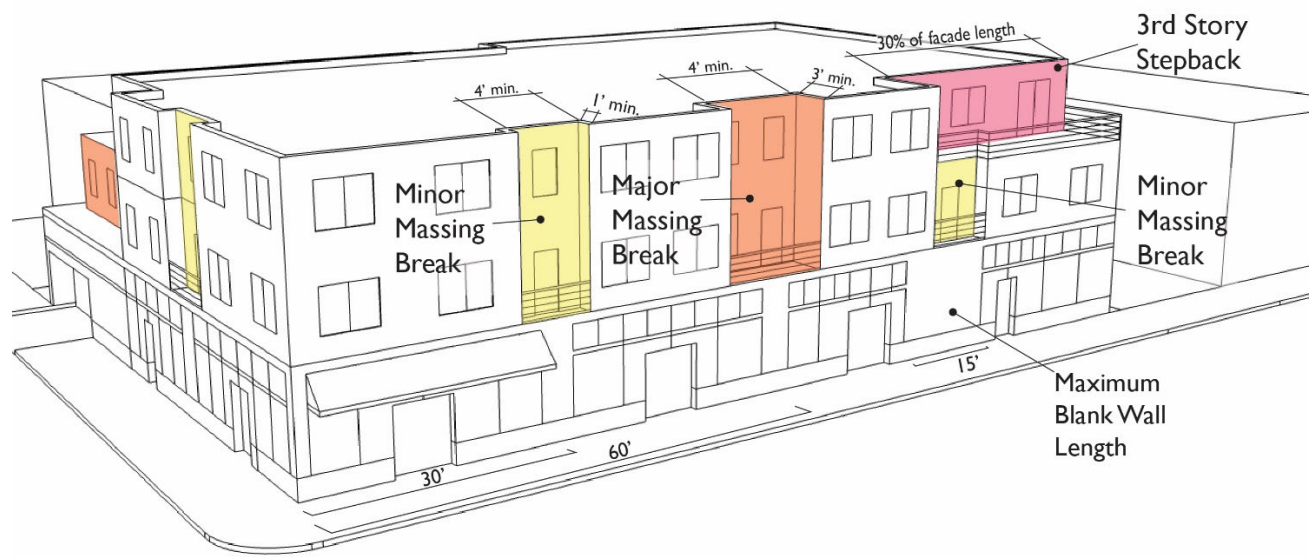
1. **Minimum Height.** Any ground floor associated with a non-residential use shall have a minimum finished floor to ceiling height of 12 feet.
2. **Ground Floor Transparency.** The ground-floor street-facing building walls of non-residential uses shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between 2½ and 7 feet above the sidewalk. Ninety percent of the transparent windows or doors area shall remain clear to allow views into the building. Street-facing areas used as parking structures or garage doors are exempt from this requirement, but are subject to the design requirements in subsection H(3) below.

Figure 17.45.030-2 Ground Floor Requirements**G. Massing and articulation.**

1. A minimum of one architectural feature, such as balconies, cantilevers, dormers, bay windows, patios, and individualized entries, shall be incorporated into each building.
2. Blank walls (façades without doors, windows, landscaping treatments) shall be less than 15 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.
3. **Articulation Requirements.** For purposes of this chapter, articulation shall be defined as a minimum of twelve inches of offset in plane, as defined in Section 17.02.050(A). Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
 - a. Front outside wall: Thirty percent (30%) articulation of total wall area.
 - b. Side outside walls:
 - i. Interior side outside wall: No articulation requirement
 - ii. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%) of total wall area. No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 - c. Rear outside wall: Thirty percent (30%) articulation of total wall area.
 - d. **Exemptions.** Single-story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet. Parking structures are exempt but subject to the articulation requirements in subsection H(3) below.
4. **Massing Breaks.** Massing breaks, as described below, shall be required for buildings with street frontage of 30 feet or greater. Ground floor non-residential uses shall be exempt from massing break requirements.

- a. **Minor.** Buildings shall have minor massing breaks at least every 30 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of one foot deep and four feet wide and extend the full height of the building.
- b. **Major.** Buildings shall have major massing breaks at least every 60 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries. Major breaks shall be a minimum of three feet deep and four feet wide and extend the full height of the building.

Figure 17.45.030-3 Articulation and Massing Breaks



H. Parking design and location.

1. **General Location.** Parking shall be located out of public view wherever feasible.
 - a. On corner lots in the SCRO-1 and NCRO-2 districts, curb cuts and garage or parking area entries shall not be located on San Bruno Avenue or Visitacion Avenue. Any lots with frontage on both San Bruno Avenue and Visitacion Avenue are exempt from this requirement.
2. **Uncovered Parking.**
 - a. Uncovered parking shall not be permitted in the NCRO-2 District.
 - b. **Location.** Uncovered parking lots shall be located out of public view or screened as set forth below.
 - c. **Lighting.** All parking lot lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from adjacent residences.

d. **Screening.** Uncovered parking areas shall be screened from view from public streets and adjacent lots in the R-1, R-2, or R-BA Districts, according to the following standards:

- i. **Screening from Residential Districts.** Screening of parking lots along interior lot lines that abut an R-1, R-2, or R-BA District shall be eight feet in height. If landscaping is used as a screening material along an interior lot line, it must also be a minimum of 3 feet in width. Screening materials may consist of fencing or planting. Plant materials shall consist of compact evergreen plants that form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
- ii. **Screening from Public Streets.** Screening of parking lots from adjacent public streets shall be three feet in height. Screening may consist of one or any combination of the methods listed below:
 - (a) **Walls.** Walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.
 - (b) **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
 - (c) **Planting.** Compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within eighteen months after initial installation.
 - (d) **Berms.** Berms planted with grass, ground cover, or other low-growing plant materials.
 - (e) **Exception.** Screening shall not be required for uncovered tandem parking located within a driveway in the R-3 District.

3. Covered Parking.

- a. **Location: Parking Garages.** Parking Garages may be located in an area that is publicly visible, provided that the design standards below are met.
- b. **Design.** The following design features shall be incorporated into all covered parking structures.
 - i. Garages and carports shall be designed to include a minimum of two of the following from the main building(s): materials, detailing, roof materials, and colors.
 - ii. Carport support posts shall be a minimum of eight inches (8") square and exposed steel columns and posts are prohibited. At least one material from the primary structure shall be included in the carport design.

- iii. Parking structures or garage entrances shall not occupy more than 60% of the building width of any front elevation facing a Front Lot line in the SCRO-1 and NCRO-2 Districts.
 - iv. Parking structure exterior walls shall not present a solid unbroken wall surface. Walls greater than 40 feet in length shall include articulation, landscaping, or textured treatments over 25% of the total wall area at minimum.
 - v. Ventilation openings shall be screened, for example with decorative grille work or landscaping.
4. **Bicycle Parking.** Where bicycle parking is not visible from the street, directional signage shall be included at the main building entrance.

I. Accessory elements.

- 1. Perimeter fencing utilized along public streets shall be constructed of decorative iron, pre-painted welded steel, or wood material. Chain link fencing, vinyl fencing, and expanded metal panels are prohibited.
- 2. Roof top equipment shall be screened from visibility. The point of view for determining visibility shall be five feet above grade at a distance of 200 feet. If the roof structure does not provide this screening, include an equipment screen in the design.
- 3. All exterior trash, recycling, and storage utility boxes, wood service poles, electric and gas meters, fire sprinkler valves and backflow preventers and transformers shall be screened from visibility.

J. Additional objective standards within Title 17. Projects subject to this chapter must comply with all other applicable objective standards within Title 17 including, but not limited to:

- 1. Development regulations including lot area, density of development, lot dimensions, setbacks, lot coverage, height of structures, landscaping requirements, and additional screening requirements, recycling area requirements not covered in this chapter include:
 - a. Development regulations as indicated for the R-2 District in 17.08.040,
 - b. Development regulations as indicated for the R-3 District in 17.10.040,
 - c. Development regulations as indicated for the NCRO-2 District in 17.14.060,
 - d. Development regulations as indicated for the SCRO-1 District in 17.16.040
- 2. Parking standards as indicated in Section 17.34.
- 3. Signage standards as indicated in Section 17.36

17.45.040 Findings.

A. The Zoning Administrator may approve a housing development permit subject to the following finding:

1. The project conforms to the objective design standards established in Section 17.45.045 and throughout Title 17 and conforms to the development standards of the zoning district in which the project is located.

B. Findings for denial. The Zoning Administrator may deny a housing development permit, or approve upon the condition that the project be developed at a lower density, subject to the following findings and supported by substantial evidence in the record:

1. The project does not comply with applicable objective general plan and zoning code objective standards in effect at the time the application has been determined to be deemed complete.
2. The housing development project would have a specific, adverse impact upon the public health or safety.
3. There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than through disapproval or approval upon the condition that the project be developed at a lower density.
4. **Affordable Housing.** In addition to the findings above, the Zoning Administrator may deny a housing development permit for a proposed housing development project for very low, low-, or moderate-income households or condition approval in a manner that renders development of such a project infeasible, subject to at least one of the following findings, supported by substantial evidence in the record:
 - a. The city has met or exceeded its share of the regional housing need allocation for the planning period for each of the income categories proposed for the housing development project as identified in the housing element.
 - b. The development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - c. The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.
 - d. The development project is proposed on land which does not have adequate water or wastewater facilities to serve the project.

- e. The development project is inconsistent with both the zoning ordinance and general plan land use designation as of the date the application was deemed complete, and the project is not proposed for a site that is identified as suitable for very low, low-, or moderate-income households in the housing element and is inconsistent with the density specified in the housing element.
- C. As used in this section, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as of the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.
- D. Any disapproval or conditional approval of a housing development permit for a proposed project for very low, low-, or moderate-income households shall not discriminate on the basis of any of the reasons prohibited by California Government Code Section 65008.

17.45.050 Action by the Zoning Administrator.

- A. The Zoning Administrator may either grant or deny the application for housing development permit subject to the required findings under Section 17.45.040, as applicable to the project type, and may grant the permit subject to such conditions as the Zoning Administrator deems necessary or appropriate.
- B. The Zoning Administrator shall provide notice of the application and publish a staff report with a recommended decision to grant or deny a housing development permit 14 days prior to a decision on a housing development permit. The notice of the application shall be given to all owners of property within three hundred (300) feet of the exterior boundaries of the subject property.
- C. If no public comments objecting to staff's analysis of an application's consistency with objective standards are received within 14 days of the date of notice of application, the Zoning Administrator shall act on the application consistent with the recommendation contained in the staff report.
- D. If public comments objecting to staff's analysis of consistency with objective standards are received, the Zoning Administrator shall hold a public meeting to review the application and consistency analysis. Notice of the meeting shall be given to all owners of property within three hundred (300) feet of the exterior boundaries of the subject property. The notices shall be mailed not less than ten (10) or more than thirty (30) days before the date of the meeting.
- E. The housing development permit shall become effective upon the expiration of ten (10) days following the date on which the housing development permit was granted by the Zoning Administrator, unless an appeal has been filed pursuant to Chapter 17.52 of this Title.
- F. Streamlined housing development projects are exempt from the notice of application requirement above, and only a notice of decision shall be given to property owners within three hundred feet of the exterior boundaries of the subject property. Streamlined housing development projects

shall be subject to the approval time limits described in California Government Code §65913.4, or successor provisions.

17.45.060 Expiration of a housing development permit--Extensions.

- A. A housing development permit granted pursuant to this chapter shall expire twenty-four (24) months from the date on which such permit became effective, unless prior to such expiration date a building permit for the structure which is the subject of the permit has been issued.
- B. A housing development permit may be extended by the Zoning Administrator for a period or periods of time not exceeding thirty-six (36) months. The application for extension shall be filed prior to the expiration date of the permit and shall be accompanied by payment of a processing fee in such amount as established from time to time by resolution of the city council. Public notice thereof shall be given in the same manner as prescribed in Section 17.45.060 of this chapter. Extension of a housing development permit is not a matter of right and the Zoning Administrator may deny the application or grant the same subject to conditions. Streamlined housing development projects shall be subject to the procedures and expiration described in California Government Code §65913.4, or successor provisions.

17.45.070 Amendment of a housing development permit—Minor Modifications.

- A. Amendments or modifications to a housing development permit shall require approval by the Zoning Administrator. The application requirements, objective standards and findings required for amendments or modifications to a housing development permit shall be as prescribed in Sections 17.45.020, 17.45.030 and 17.45.040 of this chapter.
- B. Notwithstanding the above, streamlined housing development projects shall be subject to the modification standards described in California Government Code §65913.4, or successor provisions.

Chapter 17.56 ADMINISTRATION

Sections:

17.56.010 Zoning administrator—Function created.

There is created the function of zoning administrator which shall be carried out by the planning director.
(Ord. 253 § 15.1(A), 1984).

17.56.020 Zoning administrator—Powers and duties.

The zoning administrator shall have all the powers and duties of a board of zoning adjustment as set forth in Section 65900 through 65909 of Article 3 of Chapter 4 of Title 7 of the Government Code of the state.
(Ord. 253 § 15.1(B), 1984).

17.56.030 Zoning administrator—Action on applications.

- A. Except as otherwise provided in this chapter, the zoning administrator shall hear and decide the following:
1. Applications for zoning conformance;
 2. Applications for variances;
 3. Applications for minor modifications;
 4. Applications for certain sign permits, in accordance with the provisions of Chapter 17.36 of this title;
 5. Applications for administrative permits for wireless telecommunication facilities, in accordance with the provisions of Section 17.32.032 of this title;
 6. Applications for administrative permits for solar energy systems, in accordance with the provisions of Section 17.32.060(C);
 7. Applications for accessibility improvement permits, in accordance with the provisions of Sections 17.32.060(D), 17.32.070(A)(1)(f) and 17.32.080;
 8. Applications for large family day care homes, per State Health and Welfare Code Sections 1597.46(a)(3) and 1597.465; and
 9. Applications for amendments or modifications to a design permit, per Section 17.42.070.
10. Applications for housing development permits, per Chapter 17.45.
- B. In connection with the applications provided for in this section, the zoning administrator shall have all the duties and responsibilities set forth in this title for the planning commission.
- (Ord. 508 § 3, 2005; Ord. 417 § 8, 1997; Ord. 401 § 2, 1995; Ord. 253 § 15.1(C), 1984).

(Ord. No. 564, § 4, 10-3-11)

17.56.040 Zoning administrator—Reporting decisions to planning commission.

All decisions of the zoning administrator, except decisions relating to the granting or denial of a sign permit pursuant to Chapter 17.36, shall be reported to the planning commission prior to the expiration of the appeal

period. If any member of the planning commission desires to appeal the decision it shall be considered appealed and placed on the next commission agenda.

(Ord. 401 § 3, 1995; Ord. 298 § 15.1(F), 1984).

17.56.050 Zoning administrator—Variances.

- A. The zoning administrator shall be governed by the provisions of this title in the granting of variances and shall grant the same only when making the findings required by the pertinent provisions of this title.
- B. The zoning administrator may refer any applications for a variance directly to the planning commission without holding a hearing or without making a decision thereon, and the planning commission shall then proceed to hear such applications as provided in this title.

(Ord. 417 § 9, 1997; Ord. 298 § 15.1(D), (E), 1984).

17.56.070 Zoning administrator—Variance granting.

The zoning administrator shall use the procedure and make findings required by the provisions of Chapter 17.46 prior to granting a variance.

(Ord. 298 § 15.4, 1984).

17.56.080 Zoning conformance.

Zoning conformance shall be determined in conjunction with and as a part of, building permits and shall be so indicated by the zoning administrator if it has been determined that any proposed construction is in conformity with the regulations for the district in which the construction is to be located. No building permit shall be issued until the zoning conformance portion thereof has been completed by the zoning administrator or his authorized representative.

(Ord. 298 § 15.2, 1984).

17.56.090 Minor modifications.

- A. Defined. For the purpose of this section, "minor modifications" means:
 - 1. A maximum of twenty percent (20%) reduction in lot area, building coverage and yard requirements;
 - 2. A maximum of twenty percent (20%) increase in the height limit in fence, wall and hedge requirements.
- B. Granting. The zoning administrator shall use the procedure and make the findings required by the provisions of Chapter 17.46 prior to granting a minor modification; provided, however, a public hearing shall not be required.
- C. Notices. Notice of approval of minor modifications approved by the zoning administrator shall be mailed to owners of property within seventy-five (75) feet of the exterior boundaries of the subject property. The property owners shall be informed of their right of appeal.
- D. Fees. Filing fees for minor modifications shall be as set by the city council.

(Ord. 298 § 15.5, 1984).

17.56.100 Appeals.

A. Appeals from the decision of the zoning administrator, **except decisions related to Housing Development Permits per Chapter 17.45 of this Title**, may be made to the planning commission within seven (7) days after the action of the zoning administrator. Upon receipt of an appeal, the zoning administrator shall forward the same, together with the records on the matter, to the planning commission. The secretary to the planning commission shall set the matter for hearing before the planning commission at the earliest available date and cause notice of such hearing to be given as set forth in Chapter 17.54. The planning commission shall consider the matter in the same manner as an application for a variance.

~~A-B.~~ Appeals from decisions of the zoning administrator related to Housing Development Permits per Chapter 17.45 of this Title shall be made to the city council within seven (7) days after the action of the zoning administrator and shall follow the procedure set forth in Chapter 17.52.

(Ord. 298 § 15.6, 1984).

17.56.110 Variances—Effective date.

No variance granted by the zoning administrator shall have any force or effect until the applicant thereof actually receives such variance signed by the zoning administrator and designating thereon any conditions of its issuance that may have been imposed by the zoning administrator. No variance shall be issued until the time for filing an appeal from the decision of the zoning administrator has expired or, in the event of such appeal, until after a final decision has been rendered on the appeal by the planning commission, or by the city council in the event of a further appeal from the decision of the planning commission.

(Ord. 417 § 11, 1997; Ord. 298 § 15.7, 1984).

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 10/28/2021

SUBJECT: **Zoning Text Amendment RZ-2-21;** Zoning text amendments to Title 17 of the Brisbane Municipal Code (BMC) to establish objective standards for housing development projects and permit multiple family dwellings in the NCRO-2 and SCRO-1 Zoning Districts by right; City of Brisbane, applicant; Citywide.

REQUEST: Recommend City Council adoption of proposed zoning text amendments to Brisbane Municipal Code Title 17 (Zoning Ordinance) to achieve consistency with housing-related state legislation passed in 2017 and after. Proposed amendments include: establishing objective design and development standards for housing development projects; allowing multiple family dwellings in the SCRO-1 District by right; allowing multiple family dwellings as part of a mixed use in the NCRO-2 Zoning District by right; establishing residential density requirements for the NCRO-2 Zoning District; reducing guest parking requirements; and establishing procedures and requirements for an administrative Housing Development Permit for qualifying housing development projects.

RECOMMENDATION: Recommend City Council adoption of Zoning Text Amendment RZ-2-21 via adoption of Resolution RZ-2-21.

ENVIRONMENTAL DETERMINATION: The project does not require additional environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15168 and 15183, as the project is consistent with and in the scope of the General Plan EIR and does not trigger the preparation of a subsequent EIR pursuant to CEQA Guidelines Section 15162.

APPLICABLE CODE SECTIONS:

- Definitions ([BMC Chapter 17.02](#))
- R-3 Residential District ([BMC Chapter 17.10](#))
- Downtown Brisbane Neighborhood Commercial District ([BMC Chapter 17.14](#))
- Southwest Bayshore Commercial District ([BMC Chapter 17.16](#))
- Off-street Parking ([BMC Chapter 17.34](#))
- Design Permits ([BMC Chapter 17.42](#))
- Housing Development Permits (BMC Chapter 17.45 – *new chapter*)
- Administration ([BMC Chapter 17.56](#))

ANALYSIS AND FINDINGS:

Background

Due to several changes in State Law since 2017, specifically Senate Bill 35 and the Housing Accountability Act (Attachments A and B), California cities must streamline the process for reviewing certain housing development proposals. In general, State law limits the City's discretion in reviewing housing projects to verifying that they comply with objective development standards. As such, it is now in the best interest of cities to "front-load" their housing development standards through the adoption of clear design rules, regulations, requirements, and guidelines, otherwise known as Objective Design and Development Standards (ODDS). ODDS provide predictability to the community and developers upfront in the development process, and require no interpretation or personal judgment, as opposed to subjective standards that are subject to interpretation and which may cause different people to disagree based on their personal perspectives and opinions.

An example of a subjective standard within the Brisbane Municipal Code is: "The orientation and location of buildings, structures, open spaces, and other features integrate well with each other and maintain a compatible relationship to adjacent development" (BMC 17.42.020(B)). Objective standards specify and quantify how to make projects compatible and integrated. For example, an objective standard would ensure a compatible relationship to adjacent lower-density residential development by requiring setbacks at upper stories at shared property lines (see discussion below for more detail).

Adopting ODDS will allow the City to promote high-quality design in new housing development projects in the absence of a discretionary process. If the City does not adopt ODDS, the City will have very little control over the design of new housing developments. The Planning Commission would continue to review projects under the current Design Review regulations but would not be able to deny or reduce the number of units within housing development proposals based on noncompliance with subjective Design Review findings. For certain projects submitted to the City under SB 35 streamlining, the City would be required to review the application under a ministerial process, without any discretionary review or local guidance on design and standards.

The State made grant funds available to cities in 2019 to cover the cost of compliance with these new requirements. The City successfully applied for grant funds in the fall of 2019 and received approval in early 2020. The City hired consultants Good City Co. in August 2020 to assist with the ODDS Program. The work program has included community outreach to understand the community's design preferences, studies of opportunities and constraints to residential development in zoning districts with subjective development standards, and drafting updated zoning ordinance language.

Community Outreach

The City and consultant team conducted a series of community engagement activities throughout 2021 to educate community stakeholders about objective design and development standards and gain insight into community preferences regarding residential and mixed-use architectural and

design elements. This outreach is summarized in greater detail in Attachment D. Community engagement and related activities undertaken in 2021 include:

- Visual Preference Survey: January 2021
- Introductory Community Workshop: April 6, 2021
- Objective Standards Photo Survey: July-August 2021
- Pop-up Open House at the Farmers Market: August 12, 2021
- Pop-up Open House at the Brisbane Library: August 16-31, 2021
- A [virtual walking tour](#) of objective standards and design elements in neighboring Peninsula cities, video and maps released July 1, 2021

The City and consultant team has also presented the project to both the Planning Commission at a Study Session on February 11, 2021 and to the City Council on July 15, 2021.

Survey Results

The surveys were promoted via the city-wide newsletter, project email lists, and across social media channels including Facebook. The Visual Preference Survey (January) provided photographs illustrating a variety of residential and mixed-use design, which respondents ranked as appealing or unappealing. There were 126 respondents who indicated significant interest in landscaping, building height, and articulation. Community members found increased building setbacks made projects more appealing for multifamily residential projects (34%) than they did for mixed use projects with an active ground floor use along a commercial corridor (22%).

The Objective Standards Photo Survey (August) provided photographs of actual and proposed developments in Brisbane and other communities on the Peninsula to build upon the data gathered from the Visual Preference Survey. There were 105 respondents who indicated a preference for:

- usable outdoor space through porches, private yards, and balconies and landscaping (strong support)
- different colors or textures to differentiate units (especially for townhome examples) (strong support)
- different colors and textures at ground floor (for buildings with three or more floors) (strong support)
- Individual entries, varying setbacks, varying roof planes, screened mechanical equipment, and upper-level step-backs (moderate support)
- For downtown and mixed-use settings:
 - large storefront windows (strong support)
 - awnings and overhangs that extend over the sidewalk, angled or recessed building entries, taller ceiling heights at ground floor compared to the upper building stories, different exterior materials at the ground floor, limited setbacks at ground level that allow for plantings, seating, bike racks, etc. (moderate support)

Pop-up Open Houses

Approximately 40 community members participated in the Pop-up Open House Activities, 35 at the Farmers Market Pop-up Open House held on August 12, 2021, and five over the following two weeks on a separate set of boards on display at Brisbane Library. Community members identified support for upper-level step-backs, usable outdoor space along street, variation of material, color, and texture, and generous storefront glazing at these events through discussions with staff and participation in visual displays.

The Draft Ordinance has incorporated community outreach results into the objective standards, as described in the summary below, to ultimately create housing projects designed around community preference.

Draft Ordinance

The draft ordinance would:

- establish objective design and development standards for housing development projects;
- establish procedures and requirements for an administrative Housing Development Permit for qualifying housing development projects.
- allow multiple family dwellings in the SCRO-1 District by right; allow multiple family dwellings as part of a mixed use in the NCRO-2 Zoning District by right;
- establish residential density requirements for the NCRO-2 Zoning District; and
- reduce guest parking requirements.

Below is a brief summary of the proposed amendments:

Establishment of Objective Design and Development Standards. The draft ordinance includes new provisions (Section 17.45.030 of the Draft Ordinance in Attachment A) related to objective design and development standards that housing development projects are required to meet. The objective standards include regulations on building design, roof design, materials, front and rear stepbacks, massing and articulation requirements, height and transparency requirements for ground floors in mixed-use developments, and parking design standards. These regulations are further summarized below.

Design and Materials

The Draft Ordinance includes general objective design standards that improve building appearance and function. These include orienting the building's frontage to be parallel to the street and requiring a visible main entry. Throughout the community engagement activities, community members exhibited a preference for quality and long-lasting building materials and noted their appreciation of the diverse architectural styles found throughout the City. General regulations for building materials are included, such as requiring a change in materials between the ground floor and upper stories, carrying the same materials on all elevations, requiring consistency of materials with the architectural style (for example, stucco and terra cotta roofing would be used for a Spanish style building), and requiring that durable materials are used. Further specification will be provided by a Supplemental Housing Development Design Guidelines document (see Attachment E for draft), which will be maintained and updated by

staff to stay up to date with modern design practices for materials and building code standards. Note that while the proposed ordinance addresses specific design elements it does not prescribe architectural style. This is in keeping with both community preference and the eclectic nature of Brisbane's current buildings.

Massing and Articulation

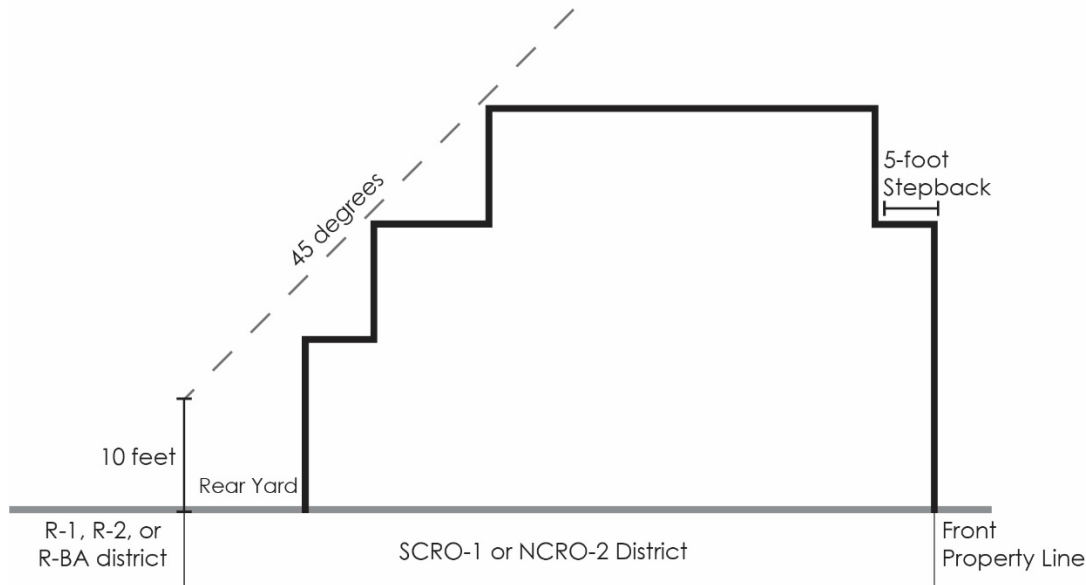
The Draft Ordinance includes both massing and articulation requirements to require recesses and projections in the front, street side, and rear building facades that add visual interest to the building design. Community members consistently ranked building articulation among the most appealing design elements across all community engagement activities. The Draft Ordinance requires that 30 percent of the front and rear and 20 percent of the street side wall faces are articulated, meaning that the wall face is offset by either a projection (such as a bay window) or a recess (such as a stepback). Recesses and projections must be at least 1 foot in depth.

In addition to the articulation requirements, buildings with over 30 feet in street-facing frontage width are required to incorporate a massing break, which is a recess that carries up multiple stories and establishes a series of bays in larger buildings. Buildings more than 60 feet wide must incorporate both major and minor massing breaks. The purpose of these breaks is to prevent a monolithic appearance for longer buildings and to break the building into smaller, pedestrian-scale units. Rooflines are also required to be articulated every 50 feet for this purpose. Ground floor commercial uses are exempt from this requirement, due to the transparency requirements described below.

Stepbacks

The Draft Ordinance also requires that buildings have both front and rear stepbacks in the SCRO-1 and NCRO-2 Districts. Stepbacks are increased setbacks for upper stories of a building, which require the upper story to "step back" to decrease the perceived height of a building from a pedestrian's vantage point. Community members indicated strong support for stepbacks throughout the community engagement activities, and particularly during conversations and board-based activities conducted during the Famers Market Pop-up Open House. The Draft Ordinance requires a 5-foot front stepback at the third story for 30 percent of the façade length. This stepback will add articulation to projects and provide a break in the height from the public view.

The rear stepback has been included to provide a transition in scale between lower density residential districts and mixed-use and higher density residential districts. To achieve this transition, the rear stepback requirement is based on a daylight plane, which is intended to provide for light and air, and to limit the impacts of bulk and mass on adjacent properties. The daylight plane requires that structures not intercept a forty-five-degree inclined plane inward from a height of ten feet above existing grade at any rear or interior lot line adjoining an R-1, R-2, or R-BA district, as shown below, and could require stepbacks at both the second and third story.



Ground Floor Requirements

To create an active pedestrian environment in mixed use districts, the Draft Ordinance also includes transparency requirements and a minimum height for non-residential ground floor uses. 65 percent of the front facades of non-residential ground floor uses are required to be transparent doors or windows to allow pedestrians views into the building, and a 12 foot minimum floor to ceiling height is incorporated in the Draft Ordinance to accommodate and encourage the higher floor to ceiling height needed for commercial operations. Community members ranked large storefront windows as the most appealing design element for downtown and mixed-use settings (up to 59% found this appealing in some of the examples considered in the Objective Standards Photo Survey).

Parking Design Standards

The Draft Ordinance includes parking design standards to minimize the prominence of covered and uncovered parking areas as set forth in Section 17.45.030(E) of Attachment A. Techniques include screening, prohibiting uncovered parking in the NCRO-2 District, limiting garage width, and requiring parking area entrances to be placed on side streets when possible. Many individual written responses in the Objective Standards Photo Survey recognized a tradeoff in mixed-use areas between onsite parking requirements and vibrant streetscape with active ground floor uses. Comments included, “Is it possible for residential parking to be access/located from the back of the building? Would rather see more of the ground level available for the storefront & parking be more hidden if feasible in a given location.”

Open Space Requirements

Open space requirements would remain consistent for the NCRO-2 District at 60 square feet per unit but would be added to the SCRO-1 District to ensure that units continue to have

adequate access to private open space. The 60 square feet per unit requirement would apply to both districts, and a new requirement that the space must be a minimum width and length of 5 feet would ensure that the open space is functional and usable for occupants. These requirements reflect the very strong community member interest in including usable outdoor space (up to 83% found this appealing in some of the examples considered in the Objective Standards Photo Survey).

➤ **Housing Development Permit Procedure**

The Draft Ordinance creates a new chapter in the zoning code applicable to Housing Development Projects. The chapter is applicable to housing projects that include three or more units, and eligible projects can be residential only or mixed-use where at least two-thirds of the square footage is designated for residential use. Housing Development Projects can consist of attached or detached units and may occupy more than one parcel as long as all units and parcels are included in the same application.

This chapter is proposed in recognition that the review process for and city discretion over qualifying housing development projects is far different than the City's current design review process, which is still applicable to all other projects.

Inasmuch as discretion over housing development projects is limited to verifying conformance of the project with the objective standards defined above, the review that will occur is primarily technical in nature. Given this consideration staff believes these projects should be treated differently from the existing design review process where the Planning Commission retains subjective discretion which can be informed by and meaningfully impacted through the traditional public hearing process. Staff believes applying the formal design review process where the Commission's discretion is extremely limited will be confusing and frustrating to both the Commission and public.

Given these factors, a new Housing Development Permit (HDP) is proposed. The approval authority for the HDP would be the Zoning Administrator (ZA). The approval process would involve public notification that an application has been filed and the staff determination of whether or not the project complies with the applicable objective standards. This notice would be provided to the general public and well as to within property owners within 300 feet of the subject property. A staff report analyzing the project would also be made available for public review. If comments are received objecting to the staff determination, the Zoning Administrator shall set the matter for public meeting. If no objections are received, the Zoning Administrator may take action without a public meeting. Notice of the ZA's decision would be provided, and the ZA's decision would be appealable to the City Council. All decisions and appeals would be limited solely to an evaluation of the project's consistency with objective standards. As State Law has limited the power of decision-making bodies and the public to modify or deny Housing Development Projects that comply with objective standards, these procedural changes intend to balance providing the public with information about new projects without imposing subjective review that is inconsistent with state law. The community outreach performed to create the objective standards in the Draft Ordinance also recognized that discretion now has to be front loaded, so it was critical to embed community design values within the objective standards now under consideration.

➤ **Streamlined (SB 35) Housing Development Projects**

The Objective Standards in the Housing Development Permits chapter also apply to Streamlined Housing Development Projects, which are projects covered by SB 35. However, Streamlined Housing Development Projects have a separate procedure for review and approval set forth by State Law. Streamlined Housing Development Projects must have the same characteristics as Housing Development Projects but have additional site characteristics requirements for eligibility (including but not limited to an infill site located in an urban area zoned for residential or mixed-use outside of environmentally sensitive areas) in addition to an affordable housing component as specified by SB 35. The full list of criteria is included in the City's SB 35 Eligibility Checklist [here](#). Under SB35, projects that meet eligibility requirements may elect to use a streamlined ministerial process, which sets forth specific timelines based on unit count for jurisdictions to determine that a project is consistent with objective standards and issue project approval. While general Housing Development Projects are subject to the permit streamlining act, only Streamlined Housing Development Projects have specified timeframes for project consistency determinations and approval.

➤ **Permit multiple family dwelling units in SCRO-1 and NCRO-2 Districts by right.**

Uses are considered to be permitted “by-right” if the development may proceed under zoning and local land use regulations without the need for a special permit, variance, amendment, waiver or other discretionary approval. The Draft Ordinance would modify the Brisbane Municipal Code to permit multiple family dwelling units in the SCRO-1 District by right and in the NCRO-2 District as part of a mixed-use project by right. In the current code, these uses are permitted subject to the granting of a conditional use permit. Given changes to State law described above, the conditional use permit is no longer a legally acceptable mechanism to for reviewing Housing Development Projects, as the city's use permit findings are inherently subjective. Adding a Housing Development Permit, as described above, allows the City to review housing projects through an objective lens while retaining the more subjective standards and findings of the Design Permit and Conditional Use Permit for commercial projects.

➤ **Establish Residential Density in the NCRO-2 District.**

The current standards in the NCRO-2 District Chapter of the Brisbane Municipal Code state that residential density shall be set by the Conditional Use Permit for mixed use projects. Given that the Draft Ordinance would allow mixed-use projects by right, establishing permitted residential densities is necessary. The City and consultant team evaluated mixed-use projects recently approved by the Planning Commission through a Conditional Use Permit (such as 213 Visitation Avenue) to set forth a residential density standard that was consistent with recent approvals. The Draft Ordinance includes a density standard of 600 square feet per dwelling unit, which would allow up to 4 units on a typical NCRO-2 lot of 25 feet wide by 100 feet deep.

➤ **Parking.**

As part of the development of objective standards, the consultant and City team also performed a constraints analysis to evaluate how other regulations impact the feasibility of housing

projects cumulatively. This responds to state law requirements that objective development standards cannot be so onerous as to render housing projects infeasible. Parking is one of the most significant constraints for projects, especially with the small lot sizes in the NCRO-2 District, which can only feasibly meet parking requirements with the use of mechanical parking lifts. The consultant and City team reviewed parking regulations among peninsula jurisdictions and found that while Brisbane's overall multifamily residential parking requirements were consistent with neighboring jurisdictions, guest parking requirements were far higher. The Draft Ordinance proposes lowering the guest parking requirement from 1 space per 5 units for projects of 5 units or more to 1 space per 10 units for projects of 10 units or more.

An additional finding of the constraints analysis was that meeting both the parking requirements and the minimum 600 square-foot ground floor storefront requirement is not feasible for narrow lots in the NCRO-2 District. The last two mixed-use projects approved by the Planning Commission in the NCRO-2 District included conditional use permits to reduce the size of the storefront space (18 Visitacion Avenue and 213 Visitacion Avenue), and one project (213 Visitacion Avenue) included a use permit to reduce the size and amount of off-street parking spaces. Staff recommends that the Planning Commission consider additional language in Section 17.14.060 (H) of the Draft Ordinance to either reduce the required storefront space for narrow lots or exempt these lots from parking requirements. Draft language for both options is provided below:

- “Lots 30 feet in width or less shall be exempt from off-street parking requirements provided that a full six hundred (600) square feet of storefront use is provided and the lot is not a corner lot” *or*
- “The minimum floor area for a storefront use for lots of 30 feet in width or less is two hundred and fifty (250) square feet.”

ATTACHMENTS:

- A. **Draft Resolution RZ-1-21 (including draft ordinance)** (NIC)
- B. **Redline copy of proposed zoning text amendments**
- C. **[SB 35](#)** and the **[Housing Accountability Act](#)**, relating to objective standards (hyperlinks)
- D. Community Outreach Summary
- E. Draft Supplementary Housing Development Design Guidelines


 Kelly Beggs, Contract Planner


 John Swiecki, Community Development Director

MEMORANDUM

Date: October 11, 2021
To: John Swiecki, Community Development Director, City of Brisbane
From: Nicholas Hamilton, Senior Planner, Good City Company
Subject: Objective Standards Community Outreach Summary

Brisbane City Staff, together with its consultant Good City Company, conducted a series of community engagement activities throughout 2021. The purpose of outreach was to provide information to community stakeholders about objective design and development standards and gain insight into community preferences regarding residential and mixed-use architectural and design elements. This memorandum provides an overview of relevant community engagement activities and highlights key findings from these activities.

Background

The City of Brisbane is in the process of updating its design review ordinance and residential zoning district standards to front-load the City's discretionary authority and comply with State laws that require housing design standards to be objective. Good City Company was engaged by the City to help facilitate the development of a suite of proposed Objective Design and Development Standards (ODDS), and to engage community stakeholders in a community engagement process. More information on the objective standards project, background on recent policy changes from the State, and key terms related to the project are available on the City's Objective Standards project landing page <https://www.brisbaneca.org/cd/page/objective-design-and-development-standards-project>.

Methodology

Community engagement and related activities undertaken in 2021 included:

- Visual Preference Survey: January 2021
- Planning Commission Study Session (virtual): February 11, 2021
- Introductory Community Workshop (virtual): April 6, 2021
- Virtual walking tour of objective standards and design elements in neighboring Peninsula cities, video and maps released July 1, 2021
- City Council Presentation (virtual): July 15, 2021
- Objective Standards Photo Survey: July-August 2021
- Pop-up Open House at the Farmers Market: August 12, 2021
- Pop-up Open House at the Brisbane Library: August 16-31, 2021
- Project webpage including project goals, timeline, frequently asked questions

The Objective Standards Photo Survey (July-August) and pop-up open house activities were informed by feedback received from the Visual Preference Survey (January) regarding aspects of a variety of residential and mixed-use design elements that respondents found both appealing and unappealing. The examples used in the Photo Survey are of actual and proposed developments in Brisbane and other communities on the Peninsula. The surveys were promoted via the city-wide newsletter, project email lists, and across social media channels including Facebook.

Respondent Profiles

The Residential Design Visual Preference Survey was completed by 126 community members during January 2021. The Objective Standards Photo Survey was completed by 105 community members between July 1 and August 31, 2021. Approximately 40 community members participated in the Pop-up Open House Activities, 35 at the Farmers Market Pop-up Open House held on August 12, 2021, and five over the following two weeks on a separate set of boards on display at Brisbane Library.

A snapshot of demographic questions and most common responses are indicated below. Complete demographic information is included in the Visual Preference Survey Results, Objective Standards Photo Survey: Results, and Objective Standards Pop-up Open Houses: Results attachments. 414 individual written comments were collected as part of the Photo Survey, and Sixteen individual written comments were collected as part of the Pop-up Open Houses. Those comments are included in their respective results attachments.

	January Survey	July- Aug Survey	Pop- ups
<i>Currently, do you:</i>			
Live in Brisbane	80%	72%	55%
Live and work in Brisbane	17%	12%	18%
<i>What type of home do you live in?</i>			
A single-family home	78%	81%	81%
A condominium	11%	11%	3%
<i>In your current home, do you:</i>			
Own	87%	84%	61%
Rent entire unit	11%	11%	25%
Lived with friends/family and did not pay rent	-	2%	14%

How long have you lived in Brisbane?

1-5 years	21%	22%	-
6-10 years	15%	19%	-
11-20 years	21%	17%	-
21+ years	43%	42%	-

Gender

Female	59%	62%	-
Male	34%	30%	-

What area of the City do you live in?

Central Brisbane	76%	80%	69%
The Ridge	15%	15%	15%
Brisbane Acres	8%	2%	12%

Race/Ethnicity

White, non-Hispanic	63%	60%	-
Asian or Asian American	17%	12%	-
Prefer not to specify	10%	14%	-
Hispanic/Latino	4%	5%	-

Age

18-26	5%	5%	-
30-49	38%	42%	-
50-64	31%	28%	-
65+	26%	25%	-

Total Completed Responses

126 105 40

Total Individual Written Comments

- 414 16

Multifamily Residential Design Element Preferences

Across the examples provided in the Objective Standards Photo Survey, community members indicated the design element they found most appealing was usable outdoor space through porches, private yards, and balconies (up to 83% in some examples). Different colors or textures to differentiate units (especially for townhome examples) and different colors and textures at ground floor (for buildings with three or more floors) were also identified as appealing to community members (up to 74%). They also found appealing in some cases: landscaping (up to 71% in some examples), individual entries (up to 66%), and varying setbacks (up to 62%).

Community members indicated at lower rates that they found the following design elements appealing: varying roof planes (up to 49%), screened mechanical equipment (up to 37%), and upper-level step-backs (up to 35%). It is worth noting that in individual conversations with community members at the Farmers Market Pop-

Up Open House, community members indicated an increase in interest in upper-level step-backs, varying roof planes and varying setbacks on larger and taller examples than they did on examples of smaller and lower building examples. Selected individual written comments from the Photo Survey include: “The most interesting thing about walking around in Brisbane is all the home styles that were created over the years,” “It’s unclear whether these homes have sufficient parking available,” “All the new Multi dwelling’s should be limited to two stories,” and “The fake foam trim with stucco blown over it always looks cheap and terrible. I say let San Jose and it’s neighbors keep this style to themselves. I would rather see solid flat walls than this.”

At the Pop-Up Open House activities, when asked which architectural elements promoted compatibility with adjacent buildings, community members expressed more interest in step-backs and massing breaks, overhangings, protrusions, and balconies, and variation in color and texture than they did for recessed windows, individual entries, or dimensional detail between ground and upper levels. Selected individual written comments from the Pop-up Open Houses include: “More affordable housing options! Less single family home zoning. Too expensive to rent or buy here.” “Let the community change how it will. Let the property owner decide.” and “Encourage mixed use (resi. With office/retail).”

These preferences were largely consistent with the initial Residential Design Visual Preference Survey conducted in January of 2021, where responses indicated the following design elements as among the most appealing across any of the variety of examples presented: landscaping (up to 82%), building height (up to 50%), and articulation (up to 53%). The visual preference survey also contained questions about ways example projects could be improved. Community members consistently indicated landscaping improvements would improve the appeal of projects presented. The location and configuration of parking, and the screening of mechanical equipment was not prioritized among ways to improve the appeal of projects presented (typically registering at 10-15%).

Mixed Use and Active Commercial Streetscape Design Element Preferences

Throughout the Objective Standards Photo Survey, community members consistently indicated large storefront windows were the most appealing design element for downtown and mixed-use settings, with 43% - 59% of survey responses indicating it was appealing among four examples given.

Responses to the Photo Survey also indicated they found appealing: awnings and overhangs that extend over the sidewalk, angled or recessed building entries, taller

ceiling heights at ground floor compared to the upper building stories, different exterior materials at the ground floor, limited setbacks at ground level that allow for plantings, seating, bike racks, etc. Selected individual written comments from the Photo Survey include: “This feels jammed into a very small lot. Requiring the garage seriously cuts into the viability of the commercial space.” and “I don’t see the difference in any of these. Please build affordable housing for all so we can alleviate the housing crisis!!!”

At the Pop-Up Open House activities, when asked which architectural elements would minimize the visual impact and massing of a building, community members identified more interest in upper-level step-backs, usable outdoor space along street, variation of material, color, and texture, and generous storefront glazing than they did for pedestrian awnings and lighting or protrusions and voids of the example building’s design.

It is also worth noting that the initial Residential Design Visual Preference Survey conducted in January of 2021 revealed community members found increased building setbacks made projects more appealing for multifamily residential projects (34%) than they did for mixed use projects with an active ground floor use along a commercial corridor (22%).

Ridgeline Single-Family Home Design Element Preferences:

While no changes to the design standards were proposed as part of this project for ridgeline single family homes, community preferences on design elements were collected as part of community outreach activities over the course of this project. Throughout the Objective Standards Photo Survey, community members indicated the three design elements they found most appealing in the ridgeline single-family home example provided were: upper-level step-backs that mimic the topography, use of natural exterior finishes (stone, stucco, etc.), and varying roof forms that follow the topography. Community members also indicated the following as appealing: limiting individual wall heights to a maximum of two stories from all perspectives and reduced building height. Selected individual written comments from the Photo Survey include: “Not enough setback” and “takes away from street parking since now there is a driveway.”

The initial Residential Design Visual Preference Survey conducted in January of 2021 indicated strong interest in building articulation as appealing (up to 66% for some examples), in addition to indicating landscaping (up to 52% for some examples) as an appealing design element.

Attachments:

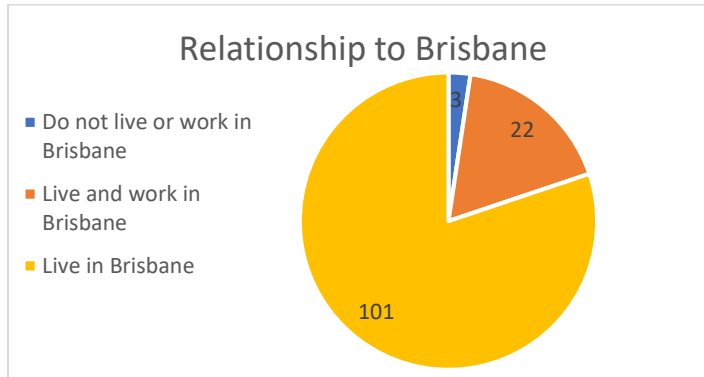
1. Visual Preference Survey Results
2. Objective Standards Photo Survey Results
3. Objective Standards Pop-up Open Houses Results

Brisbane Residential Objective Design and Development Standards (ODDS)

Residential Design Preference Survey Results

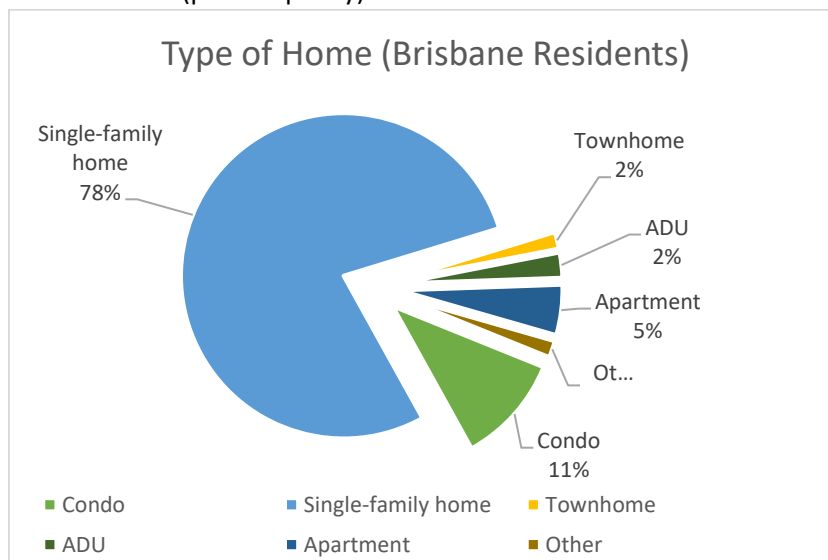
1. Currently, do you:

- a. Live in Brisbane - **0**
- b. Work in Brisbane - **101**
- c. Live and work in Brisbane - **22**
- d. Do not live or work in Brisbane – **3**



2. If you live in Brisbane, what type of home do you live in?

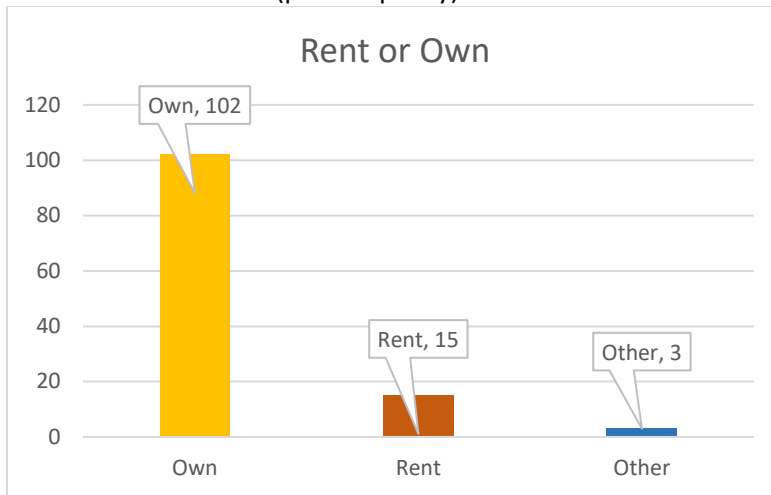
- a. A single-family home - **94**
- b. A townhome - **2**
- c. A condominium - **13**
- d. An apartment - **6**
- e. Accessory dwelling unit (granny flat/guest house) - **3**
- f. Group home - **0**
- g. Do not currently have a permanent home - **0**
- h. Other (please specify) - **2**



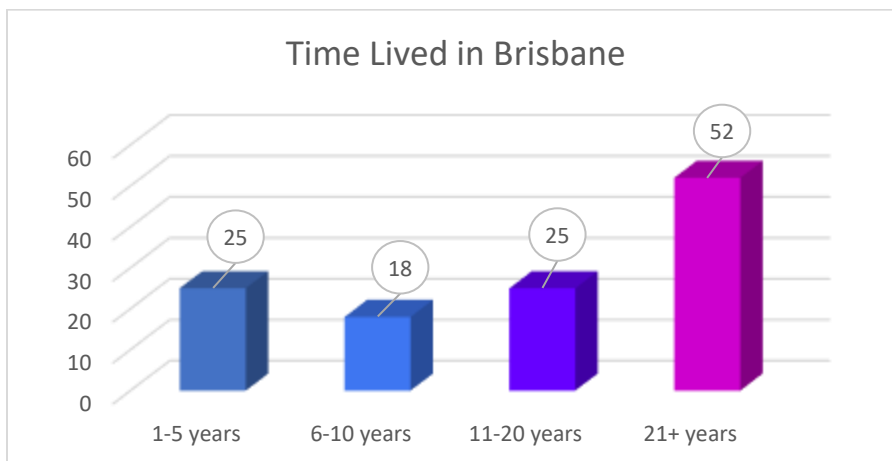
3. In your current home, do you:

- a. Own - **102**

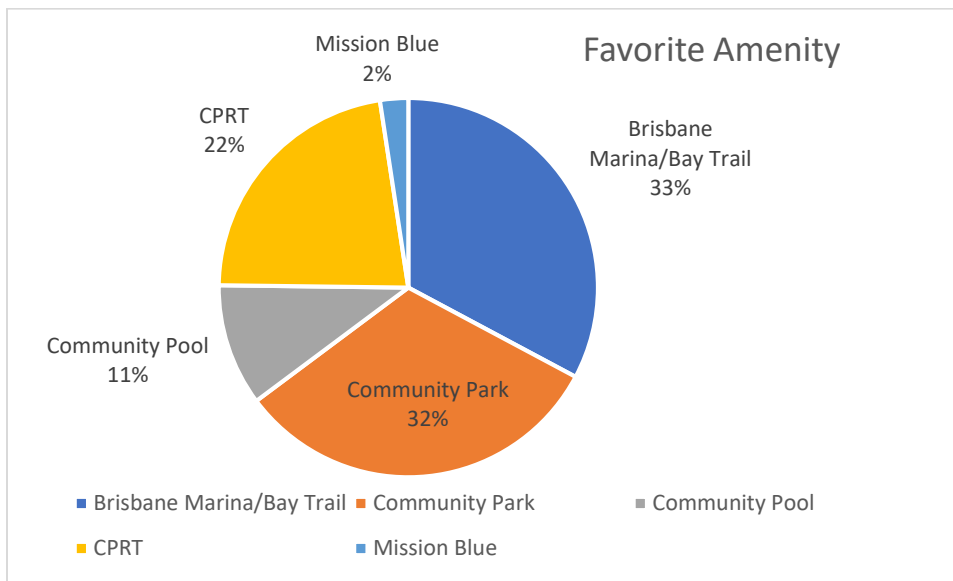
- b. Rent a room - **2**
- c. Rent entire unit - **13**
- d. Live with friends/family, do not own or pay rent - **0**
- e. Do not currently have a permanent home - **0**
- f. Other (please specify) – **0**



4. How long have you lived in Brisbane?
- a. 1-5 years - **25**
 - b. 6-10 years - **18**
 - c. 11-20 years - **25**
 - d. 21+ years - **52**
 - e. Do not live in Brisbane - **0**

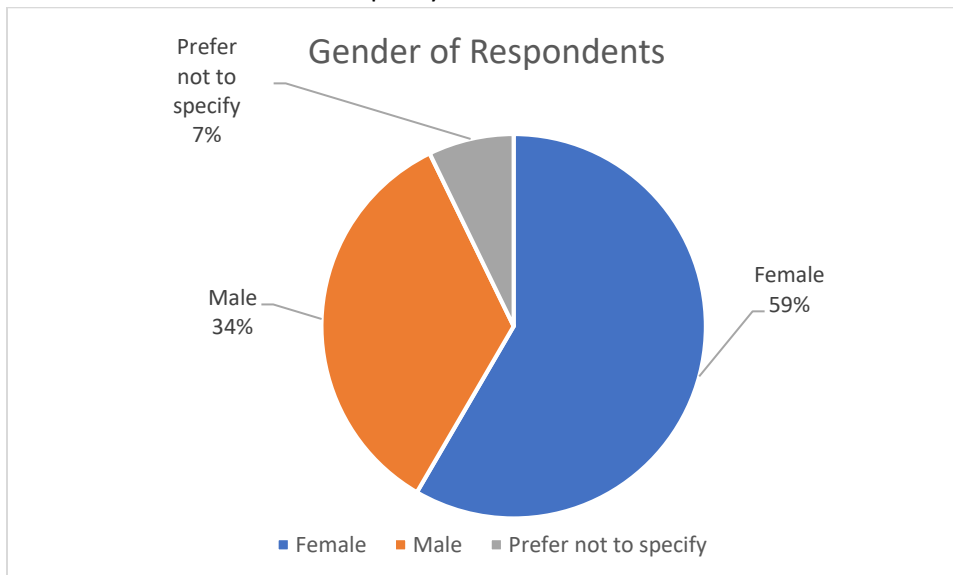


5. What is your favorite community amenity in the City?
- a. Brisbane Marina/Bay Trail
 - b. Community Park
 - c. Community Pool
 - d. Crocker Park Recreational Trail
 - e. Mission Blue Athletic Fields



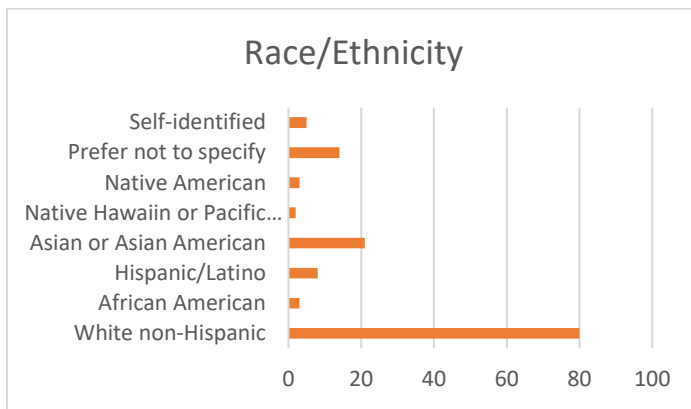
6. Please indicate your gender.

- a. Male - **43**
- b. Female - **73**
- c. Non-binary - **0**
- d. Prefer not to specify - **9**



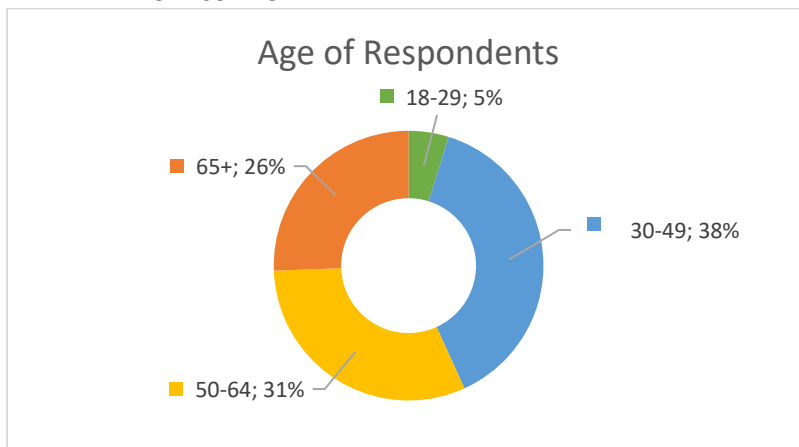
7. How do you identify yourself?

- a. White non-Hispanic
- b. African American
- c. Hispanic/Latino
- d. Asian or Asian American
- e. Native Hawaiian or Pacific Islander
- f. Native American
- g. Prefer not to specify
- h. If you prefer to self-identify, do so here:



8. What is your age group?

- a. Under 18 - **0**
- b. 18-29 - **6**
- c. 30-49 - **48**
- d. 50-64 - **39**
- e. 65+ - **32**



9. Which area do you reside in?

- a. Area A: Central Brisbane
- b. Area B: Brisbane Acres
- c. Area C: Southwest Bayshore
- d. Area D: The Ridge
- e. Other (please specify)

See Map and Responses in Appendix

MIXED USE DEVELOPMENT

Image 1



- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **9**
 - B| Somewhat Unappealing - **39**
 - C| Neither Appealing nor Unappealing - **16**
 - D| Somewhat Appealing - **41**
 - E| Very Appealing – **21**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **39**
 - B| Building height - **59**
 - C| Location and configuration of parking - **23**
 - D| Screening - **15**
 - E| Landscaping - **53**
 - F| Building articulation - **51**
 - G| Relationship with neighboring structures - **23**
 - H| No preferences - **0**
 - I| Other - **19**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **28**
 - B| Building height - **20**
 - C| Location and configuration of parking - **17**
 - D| Screening - **15**
 - E| Landscaping/plantings - **52**
 - F| Building articulation - **29**
 - G| Relationship with neighboring structures - **44**
 - H| No preferences - **34**
 - I| Other – **23**

Image 2



- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **19**
 - B| Somewhat Unappealing - **16**
 - C| Neither Appealing nor Unappealing - **19**
 - D| Somewhat Appealing - **49**
 - E| Very Appealing – **23**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **39**
 - B| Building height - **59**
 - C| Location and configuration of parking - **23**
 - D| Screening - **15**
 - E| Landscaping - **53**
 - F| Building articulation - **51**
 - G| Relationship with neighboring structures - **23**
 - H| No preferences - **0**
 - I| Other - **19**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **28**
 - B| Building height - **20**
 - C| Location and configuration of parking - **17**
 - D| Screening - **15**
 - E| Landscaping/plantings - **52**
 - F| Building articulation - **29**
 - G| Relationship with neighboring structures - **44**
 - H| No preferences - **34**
 - I| Other - **23**

TOWN HOMES

Image 3



- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **9**
 - B| Somewhat Unappealing - **22**
 - C| Neither Appealing nor Unappealing - **33**
 - D| Somewhat Appealing - **42**
 - E| Very Appealing – **20**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **28**
 - B| Building height - **55**
 - C| Location and configuration of parking - **42**
 - D| Screening - **5**
 - E| Landscaping - **21**
 - F| Building articulation - **66**
 - G| Relationship with neighboring structures - **49**
 - H| No preferences - **20**
 - I| Other - **11**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **36**
 - B| Building height - **5**
 - C| Location and configuration of parking - **17**
 - D| Screening - **25**
 - E| Landscaping/plantings - **83**
 - F| Building articulation - **26**
 - G| Relationship with neighboring structures - **19**
 - H| No preferences - **21**
 - I| Other – **19**

Image 4



- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **16**
 - B| Somewhat Unappealing - **31**
 - C| Neither Appealing nor Unappealing - **29**
 - D| Somewhat Appealing - **40**
 - E| Very Appealing – **10**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **39**
 - B| Building height - **59**
 - C| Location and configuration of parking - **23**
 - D| Screening - **15**
 - E| Landscaping - **53**
 - F| Building articulation - **51**
 - G| Relationship with neighboring structures - **23**
 - H| No preferences - **0**
 - I| Other - **19**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **28**
 - B| Building height - **20**
 - C| Location and configuration of parking - **17**
 - D| Screening - **15**
 - E| Landscaping/plantings - **52**
 - F| Building articulation - **29**
 - G| Relationship with neighboring structures - **44**
 - H| No preferences - **34**
 - I| Other – **23**

Image 5

- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **12**
 - B| Somewhat Unappealing - **17**
 - C| Neither Appealing nor Unappealing - **9**
 - D| Somewhat Appealing - **44**
 - E| Very Appealing – **44**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **77**
 - B| Building height - **63**
 - C| Location and configuration of parking - **38**
 - D| Screening - **22**
 - E| Landscaping - **102**
 - F| Building articulation - **69**
 - G| Relationship with neighboring structures - **34**
 - H| No preferences - **11**
 - I| Other - **15**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **9**
 - B| Building height - **14**
 - C| Location and configuration of parking - **13**
 - D| Screening - **6**
 - E| Landscaping/plantings - **14**
 - F| Building articulation - **20**
 - G| Relationship with neighboring structures - **20**
 - H| No preferences - **62**
 - I| Other – **25**

Image 6

- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **32**
 - B| Somewhat Unappealing - **26**
 - C| Neither Appealing nor Unappealing - **21**
 - D| Somewhat Appealing - **34**
 - E| Very Appealing – **12**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **17**
 - B| Building height - **29**
 - C| Location and configuration of parking - **13**
 - D| Screening - **14**
 - E| Landscaping - **32**
 - F| Building articulation - **48**
 - G| Relationship with neighboring structures - **13**
 - H| No preferences - **46**
 - I| Other - **16**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **37**
 - B| Building height - **51**
 - C| Location and configuration of parking - **23**
 - D| Screening - **15**
 - E| Landscaping/plantings - **47**
 - F| Building articulation - **39**
 - G| Relationship with neighboring structures - **26**
 - H| No preferences - **33**
 - I| Other – **20**

MID-RISE MULTI-FAMILY (MAXIMUM 3 STORIES)**Image 7**

- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **10**
 - B| Somewhat Unappealing - **24**
 - C| Neither Appealing nor Unappealing - **30**
 - D| Somewhat Appealing - **45**
 - E| Very Appealing – **17**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **66**
 - B| Building height - **46**
 - C| Location and configuration of parking - **22**
 - D| Screening - **38**
 - E| Landscaping - **81**
 - F| Building articulation - **57**
 - G| Relationship with neighboring structures - **31**
 - H| No preferences - **18**
 - I| Other - **11**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **5**
 - B| Building height - **21**
 - C| Location and configuration of parking - **17**
 - D| Screening - **10**
 - E| Landscaping/plantings - **23**
 - F| Building articulation - **33**
 - G| Relationship with neighboring structures - **16**
 - H| No preferences - **47**
 - I| Other – **22**

Image 8



- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **28**
 - B| Somewhat Unappealing - **18**
 - C| Neither Appealing nor Unappealing - **19**
 - D| Somewhat Appealing - **32**
 - E| Very Appealing – **29**
- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **34**
 - B| Building height - **34**
 - C| Location and configuration of parking - **27**
 - D| Screening - **12**
 - E| Landscaping - **32**
 - F| Building articulation - **71**
 - G| Relationship with neighboring structures - **18**
 - H| No preferences - **25**
 - I| Other - **19**
- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **20**
 - B| Building height - **32**
 - C| Location and configuration of parking - **9**
 - D| Screening - **19**
 - E| Landscaping/plantings - **52**
 - F| Building articulation - **29**
 - G| Relationship with neighboring structures - **28**
 - H| No preferences - **39**
 - I| Other – **19**

Image 9

- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **37**
 - B| Somewhat Unappealing - **25**
 - C| Neither Appealing nor Unappealing - **11**
 - D| Somewhat Appealing - **30**
 - E| Very Appealing – **23**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **28**
 - B| Building height - **40**
 - C| Location and configuration of parking - **21**
 - D| Screening - **28**
 - E| Landscaping - **66**
 - F| Building articulation - **51**
 - G| Relationship with neighboring structures - **23**
 - H| No preferences - **32**
 - I| Other - **12**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **27**
 - B| Building height - **38**
 - C| Location and configuration of parking - **18**
 - D| Screening - **16**
 - E| Landscaping/plantings - **25**
 - F| Building articulation - **44**
 - G| Relationship with neighboring structures - **32**
 - H| No preferences - **42**
 - I| Other – **24**

HIGH-RISE MULTI-FAMILY MAXIMUM 5 STORIES (not currently permitted in Brisbane)**Image 10**

- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **32**
 - B| Somewhat Unappealing - **19**
 - C| Neither Appealing nor Unappealing - **13**
 - D| Somewhat Appealing - **30**
 - E| Very Appealing – **32**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **24**
 - B| Building height - **33**
 - C| Location and configuration of parking - **17**
 - D| Screening - **17**
 - E| Landscaping - **33**
 - F| Building articulation - **63**
 - G| Relationship with neighboring structures - **18**
 - H| No preferences - **35**
 - I| Other – **18**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **40**
 - B| Building height - **46**
 - C| Location and configuration of parking - **19**
 - D| Screening - **14**
 - E| Landscaping/plantings - **42**
 - F| Building articulation - **29**
 - G| Relationship with neighboring structures - **30**
 - H| No preferences - **38**
 - I| Other – **13**

Image 11

- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **47**
 - B| Somewhat Unappealing - **25**
 - C| Neither Appealing nor Unappealing - **15**
 - D| Somewhat Appealing - **18**
 - E| Very Appealing – **21**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **25**
 - B| Building height - **33**
 - C| Location and configuration of parking - **24**
 - D| Screening - **13**
 - E| Landscaping - **16**
 - F| Building articulation - **50**
 - G| Relationship with neighboring structures - **18**
 - H| No preferences - **45**
 - I| Other – **16**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **38**
 - B| Building height - **46**
 - C| Location and configuration of parking - **18**
 - D| Screening - **19**
 - E| Landscaping/plantings - **53**
 - F| Building articulation - **40**
 - G| Relationship with neighboring structures - **35**
 - H| No preferences - **31**
 - I| Other – **21**

Image 12

- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **80**
 - B| Somewhat Unappealing - **22**
 - C| Neither Appealing nor Unappealing - **10**
 - D| Somewhat Appealing - **5**
 - E| Very Appealing – **9**

- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **13**
 - B| Building height - **19**
 - C| Location and configuration of parking - **6**
 - D| Screening - **9**
 - E| Landscaping - **21**
 - F| Building articulation - **15**
 - G| Relationship with neighboring structures - **7**
 - H| No preferences - **66**
 - I| Other – **14**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **43**
 - B| Building height - **48**
 - C| Location and configuration of parking - **24**
 - D| Screening - **28**
 - E| Landscaping/plantings - **47**
 - F| Building articulation - **71**
 - G| Relationship with neighboring structures - **42**
 - H| No preferences - **22**
 - I| Other – **27**

SINGLE-FAMILY HOMES ON RIDGELINE:**Image 13**

- i. How appealing do you consider the design of the development shown in the image?
 - Very Unappealing **22**
 - Somewhat Unappealing **30**
 - Neither Appealing nor Unappealing **30**
 - Somewhat Appealing **33**
 - Very Appealing **11**
- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - Building setbacks **42**
 - Building height **47**
 - Location and configuration of parking **40**
 - Screening **18**
 - Landscaping/plantings **65**
 - Building articulation **38**
 - Relationship with neighboring structures **46**
 - No preferences **24**
 - Other **12**
- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - Building setbacks **24**
 - Building height **12**
 - Location and configuration of parking **15**
 - Screening **28**
 - Landscaping **42**
 - Building articulation **49**
 - Relationship with neighboring structures **21**
 - No preferences **36**
 - Other **19**

Image 14

- i. How appealing do you consider the design of the development shown in the image?
 - A| Very Unappealing - **9**
 - B| Somewhat Unappealing - **32**
 - C| Neither Appealing nor Unappealing - **26**
 - D| Somewhat Appealing - **47**
 - E| Very Appealing – **12**

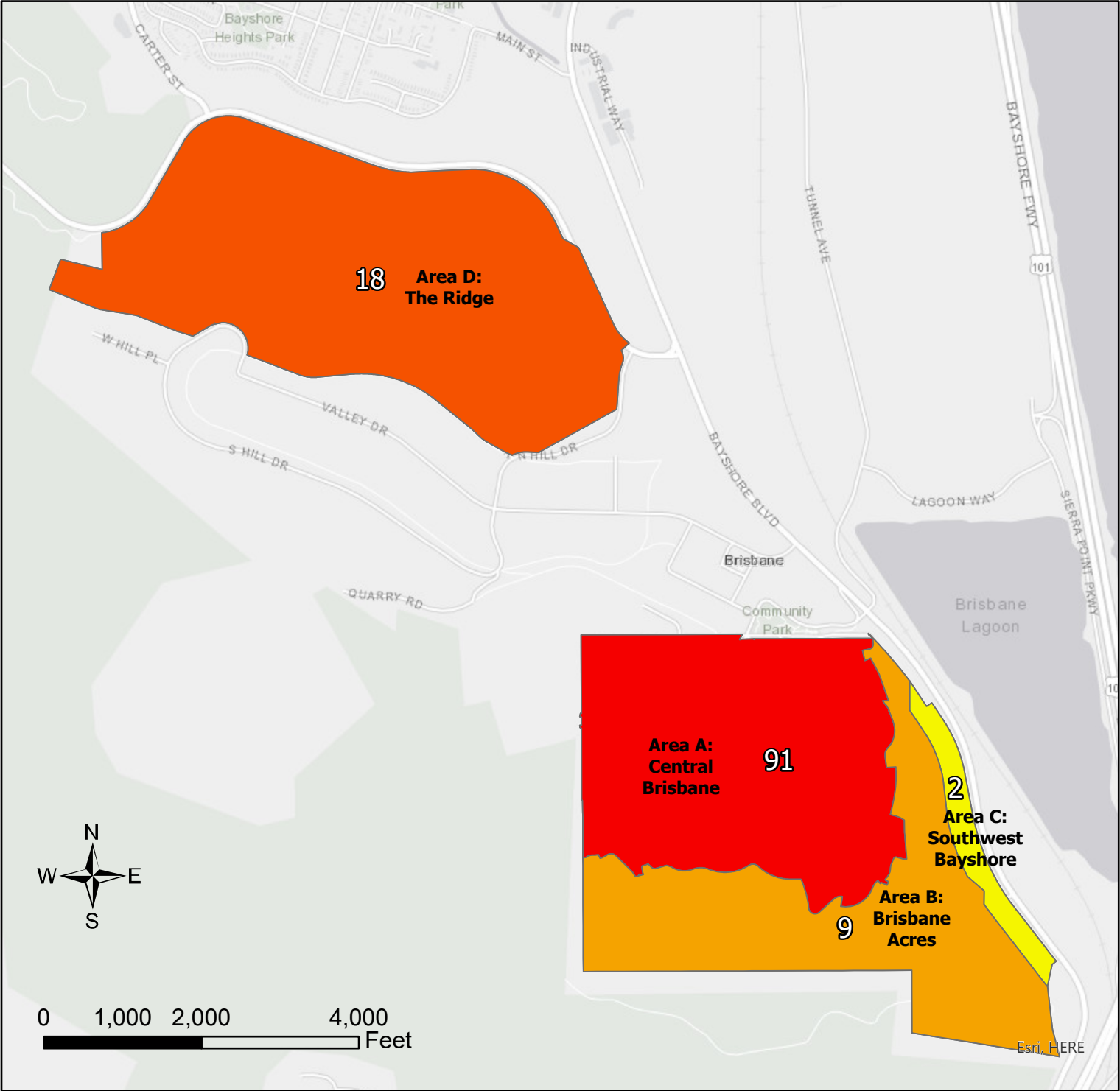
- ii. What characteristics make the design of the development appealing to you? (Mark all that apply).
 - A| Building setbacks - **58**
 - B| Building height - **51**
 - C| Location and configuration of parking - **43**
 - D| Screening - **13**
 - E| Landscaping - **51**
 - F| Building articulation - **46**
 - G| Relationship with neighboring structures - **39**
 - H| No preferences - **24**
 - I| Other – **11**

- iii. What improvements would you make to the design of the development? (Mark all that apply).
 - A| Building setbacks - **15**
 - B| Building height - **6**
 - C| Location and configuration of parking - **7**
 - D| Screening - **22**
 - E| Landscaping/plantings - **39**
 - F| Building articulation - **30**
 - G| Relationship with neighboring structures - **19**
 - H| No preferences - **41**
 - I| Other – **15**

Image 15

- iv. How appealing do you consider the design of the development shown in the image?
- A| Very Unappealing - **14**
 - B| Somewhat Unappealing - **19**
 - C| Neither Appealing nor Unappealing - **10**
 - D| Somewhat Appealing - **41**
 - E| Very Appealing – **42**
- v. What characteristics make the design of the development appealing to you? (Mark all that apply).
- A| Building setbacks - **55**
 - B| Building height - **68**
 - C| Location and configuration of parking - **49**
 - D| Screening - **16**
 - E| Landscaping - **25**
 - F| Building articulation - **77**
 - G| Relationship with neighboring structures - **20**
 - H| No preferences - **23**
 - I| Other – **16**
- vi. What improvements would you make to the design of the development? (Mark all that apply).
- A| Building setbacks - **5**
 - B| Building height - **6**
 - C| Location and configuration of parking - **9**
 - D| Screening - **19**
 - E| Landscaping/plantings - **51**
 - F| Building articulation - **13**
 - G| Relationship with neighboring structures - **26**
 - H| No preferences - **48**
 - I| Other – **16**

Residential Design Visual Preference Survey Participation Numbers



Survey Participants

- 2
- 9
- 18
- 91



Objective Standards Photo Survey: Results

October 11, 2021

The results of an “Objective Standards Photo Survey” conducted by the City of Brisbane, and its consultants Good City Company over July and August of 2021 are presented here. An accompanying memo provides discussion of key results and additional context.

Please note that subject-related results (Questions 10-31) are presented first and that demographic responses (Questions 1-9) are included at the end of this document. Twenty eight email addresses were collected in response to Question 32 and were added to the City’s project mailing list. The individual email addresses have been removed from these published survey results.

TOWNHOUSES - Example 1 of 3 (Questions 10-11)

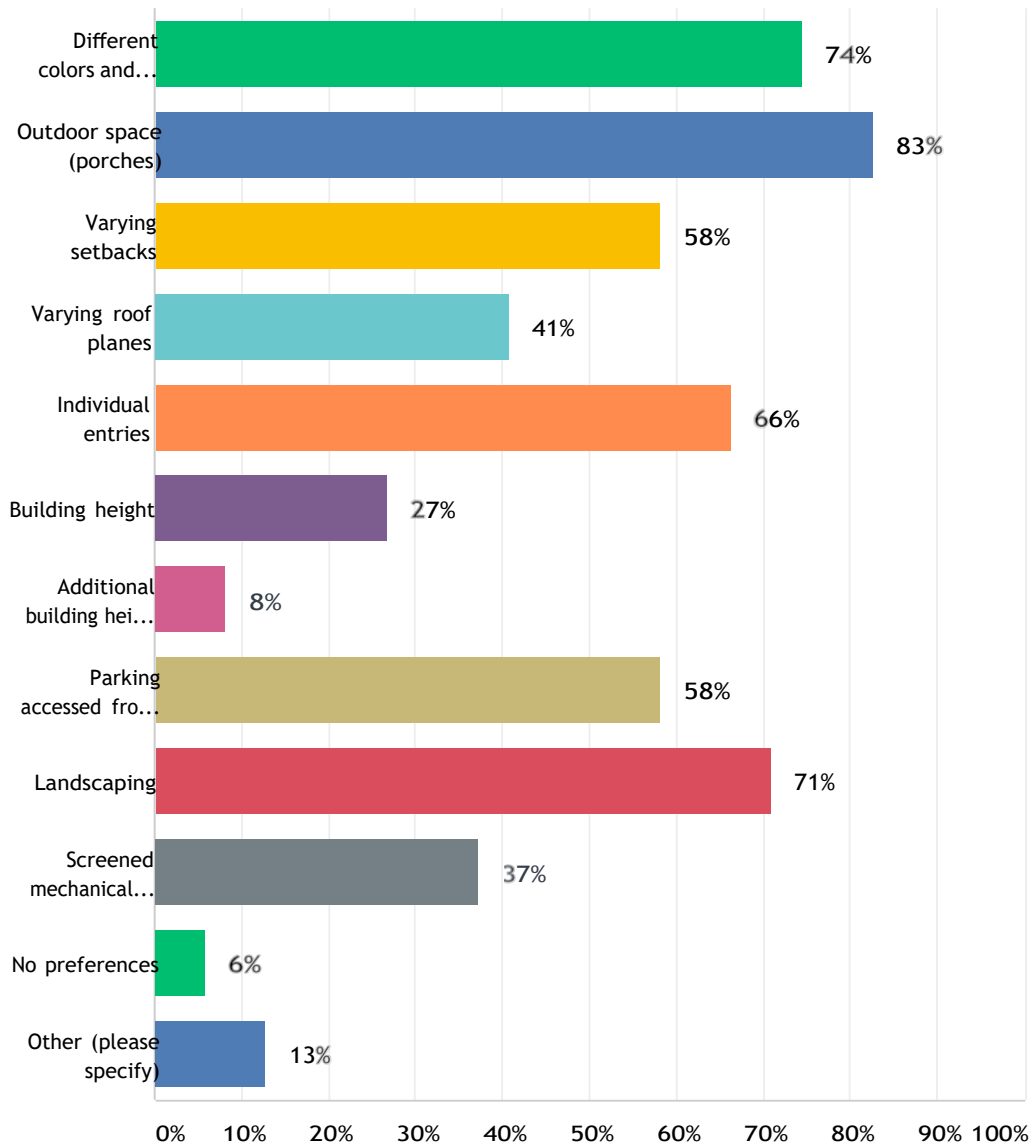
Townhouses are multi-floor homes that share one to two walls with adjacent homes and have their own entrances. Townhouses can be rented, or owned if established as a condominium development. In Brisbane, townhouses are allowed in the **R-2 and R-3 Residential zoning districts**. The number of units depends on the size of the lot they are built on.



These photographs show a townhouse development recently completed in a neighboring city on the Peninsula. The project includes individual entries and using color, setback, and material changes to differentiate each home. The project also features multiple exterior materials, overhangs and projections, planting areas, outdoor private space, visually screened mechanical equipment, and parking accessed from the rear of the units.

Q10 What design elements do you find appealing? Check all that apply.

Answered: 86 Skipped: 19



#	OTHER (PLEASE SPECIFY)	DATE
1	I like the different windows and window treatments.	9/1/2021 10:58 AM
2	too many people	8/1/2021 7:37 PM
3	The buildings are pretty. It would give the areas in Brisbane a lot more personality. A lot of buildings on Visitation, are tired and flat. I would love to see more personality and character to our little town. I would love to see more of a "Craftman" type of home in Brisbane.	7/23/2021 4:57 PM
4	Didn't understand 'Additional building height at corners'.	7/22/2021 4:10 PM
5	Vintage and classic styling.	7/22/2021 6:14 AM
6	No more townhomes	7/8/2021 4:06 PM
7	*No more than 3 stories high	7/7/2021 8:25 PM
8	5	7/7/2021 7:36 PM
9	As varied and unique as possible. No cookie cutter buildings. I think the quality of materials is more important. Look at old and newer parts of Sausalito and you will see what I mean. Marin City. The setback is important in this regard as well. Room for design elements (atriums, breezeways, etc.) is key.	7/3/2021 6:33 AM
10	Architectural details and fact that these would blend nicely with single family homes and not look obtrusive.	7/2/2021 12:00 PM
11	Above grade first floor	7/1/2021 3:01 PM

Q11 Please tell what else you do or do not like about this development.

Answered: 27 Skipped: 78

#	RESPONSES	DATE
1	I don't really like the cement stairs, or maybe it's the entryway feels cold.	9/1/2021 10:58 AM
2	trees are too big for such new construction.	8/27/2021 10:30 PM
3	I like the wide sidewalks, which encourages pedestrians/joggers.	8/21/2021 4:28 PM
4	No Garages-No Parking	8/17/2021 9:34 AM
5	The units in the photos are quite unattractive even though they incorporated the design elements I have checked. The elements are haphazard and thrown together in a need to fulfill a checklist rather than for an aesthetic purpose.	8/16/2021 8:51 AM
6	These are popping up everywhere and ultimately looks generic. The most interesting thing about walking around in Brisbane is all the home styles that were created over the years. These just scream mid-2010s.	8/14/2021 7:22 AM
7	visible balconies looks unappealing when it gets cluttered with hanging laundry or is used for storage	7/28/2021 8:07 AM
8	Don't like the additional building height at corners	7/27/2021 6:58 PM
9	I like the downward facing street lamps. I like the porches on the units. I'd prefer to see bigger eaves, as the additional shade would help with cooling on large stucco / hardi sided walls.	7/26/2021 8:34 AM
10	Doesn't look like you get much privacy. Buildings butt up to others and you're at the mercy of your neighbors to not be rowdy and keep their outside area looking pristine. I also would not like the condos to be too tall. I would love to see "Craftsman" type of design to these homes. Go the extra mile and make them look like something you'd want to go home to.	7/23/2021 4:57 PM

11	Too boxy, window shapes look mismatched; taller height at corner is odd; brick and wood seem to clash; entry stairs impossible for strollers or people with limited mobility.	7/22/2021 7:47 PM
12	I do not see any green space/garden space for the units.	7/22/2021 4:41 PM
13	It looks conservative and tasteful -- not interested in wild designs which may age quickly.	7/22/2021 4:10 PM
14	The street parking spaces not maximized due to curve in sidewalk	7/22/2021 3:43 PM
15	Too many different colors on the corner. Looks like a clown disguise. No body is fooled.	7/22/2021 6:14 AM
16	No concerns with this ktype of housing.	7/17/2021 4:04 PM
17	The landscaping could be more appealing (plant choices are pretty generic), the setbacks could be larger and the third floor rooms at the end of the buildings look odd and probably not very useful in a floorplan	7/15/2021 9:05 PM
18	I don't care for the corner unit and the height of the corner, I think I would prefer the top to be the full space of the corner unit. Looks strange like it's just one bedroom. Have it match the lower floor width	7/13/2021 8:59 PM
19	I feel like individual housing is the best	7/8/2021 4:06 PM
20	like the large patio/porch spaces on the corner unit - very inviting	7/8/2021 8:45 AM
21	*It's unclear whether these homes have sufficient parking available. *Are these homes ADA compliant? They don't look like it. *There should be solar panels on the rooftops.	7/7/2021 8:25 PM
22	All the new Multi dwelling's should be limited to two stories.	7/7/2021 7:36 PM
23	I like the wooden arbor	7/7/2021 10:21 AM
24	I DO NOT like the homogenized look of these type of buildings, in addition to the inexpensive materials that do not hold up to basic weathering and wear and tear. Central Brisbane is unique and beautiful and the variety of materials, styles is what makes it.	7/3/2021 6:33 AM
25	Nothing	7/2/2021 12:00 PM
26	While there is attractive landscaping in the front of these buildings, none of it is flat. More flat spaces would be conducive to impromptu neighbor gatherings a more human feel to the area and a connected community.	7/1/2021 3:01 PM
27	I would not live in a development-- no uniqueness	7/1/2021 2:27 PM

TOWNHOUSES – Example 2 of 3 (Questions 12-13)

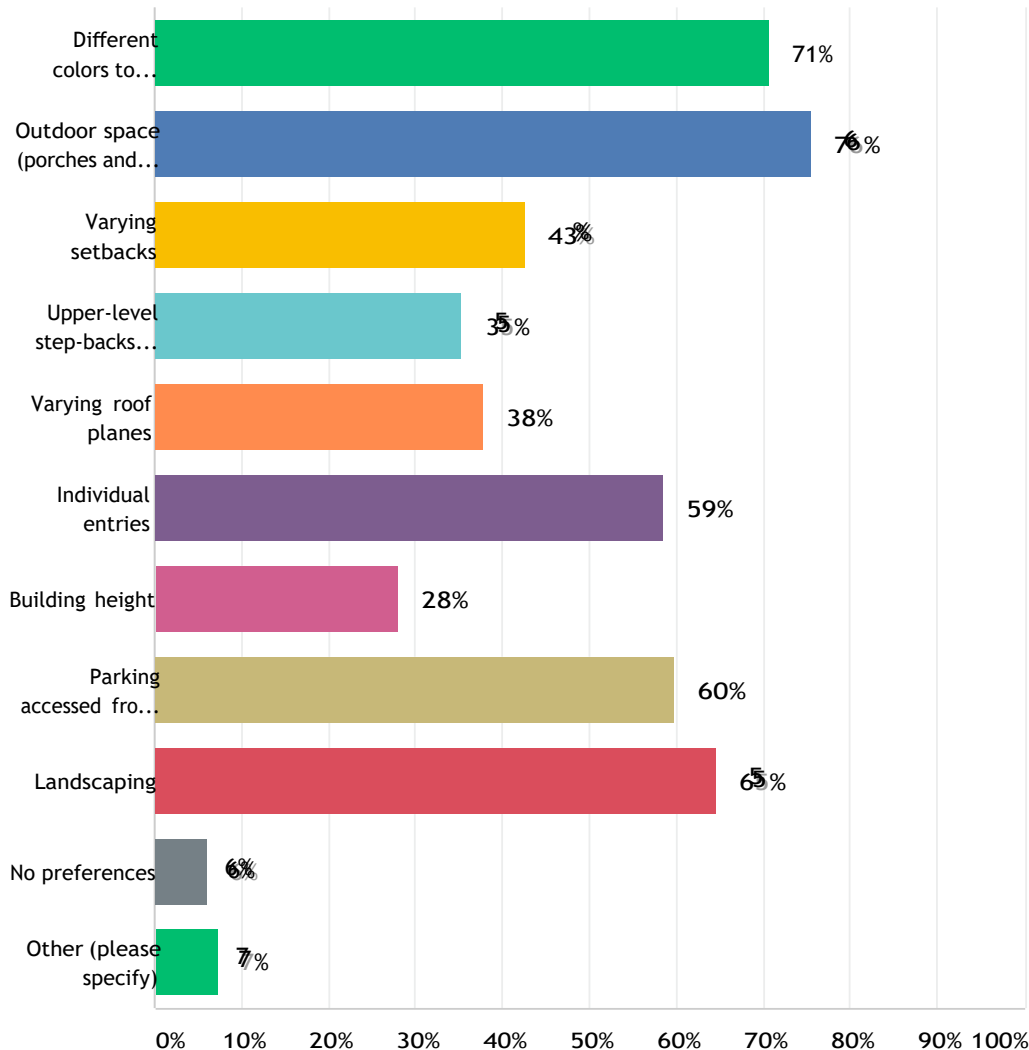
Townhouses are multi-floor homes that share one to two walls with adjacent homes and have their own entrances. Townhouses can be rented, or owned if established as a condominium development. In Brisbane, townhouses are allowed in the **R-2 and R-3 Residential zoning districts**. The number of units depends on the size of the lot they are built on.



These photographs show the main and alley sides of a townhouse development recently completed in a neighboring city on the Peninsula. The project includes individual entries and uses color and setback changes to differentiate each home. It also includes overhangs and projections, planting areas, outdoor private space, upper-level step-backs (partial), an entry level elevated above the sidewalk, and parking accessed from a rear alley or garage court.

Q12 What design elements do you find appealing? Check all that apply.

Answered: 82 Skipped: 23



#	OTHER (PLEASE SPECIFY)	DATE
1	I like this much better than the last one. Front garden areas are really nice, very Brisbane. Very individualized homes.	9/1/2021 10:59 AM
2	Much better looking than the first photo. Looks like different houses, really.	7/22/2021 6:16 AM
3	*No more than 3 stories high.	7/7/2021 8:31 PM
4	#2 looks like #2	7/7/2021 7:39 PM
5	Viable individual front yards	7/2/2021 12:03 PM
6	Glat fron yards are conducive to neighbors gathering with each other.	7/1/2021 3:04 PM

Q13 Please tell what else you do or do not like about this development.

Answered: 31 Skipped: 74

#	RESPONSES	DATE
1	These look a bit too cookie-cutter.	8/31/2021 5:11 PM
2	Top photo - no setback, insufficient landscaping.	8/30/2021 11:10 PM
3	High population density.	8/29/2021 6:50 PM
4	Needs more texture and more variety in set backs	8/28/2021 2:16 PM
5	I dislike that off the bat, color is the only quick, easy way to differentiate the homes from each other. Other than color, they seem very monotonous.	8/21/2021 4:30 PM
6	To close together	8/17/2021 9:34 AM
7	Even though I feel the structures in one of the photos are too close to the sidewalk, the overall aesthetics are better than in Example 1	8/16/2021 8:58 AM
8	A little better than the first example, but still very generic.	8/14/2021 7:23 AM
9	I prefer the set back, yards, and landscaping of photo 2	8/12/2021 7:55 PM
10	white trim seems to highlight the height of the structure.	7/28/2021 8:11 AM
11	Don't like that set-backs are missing on individual units -- they look too flat from top to bottom.	7/27/2021 7:00 PM
12	The eaves are way too small, and the arched window and the one oval window are so out of place. I also think fake lites in the windows should be banned altogether (along with fake shutters.)	7/26/2021 8:38 AM
13	I like the diversity of the first one better; the second here is less visually interesting to me.	7/25/2021 10:33 PM
14	Much better than prior development; looks like a true neighborhood with a front yard, etc.	7/22/2021 7:48 PM
15	I really like the yards/gardens and the character they provide for each home.	7/22/2021 4:42 PM
16	They look attractive to me, and give the owners a real sense of individuality and pride of ownership.	7/22/2021 4:13 PM
17	Lack of setbacks and yards.	7/22/2021 6:16 AM
18	No preferences	7/19/2021 3:13 PM
19	The to[example looks too repetative.	7/17/2021 4:07 PM
20	These are much better than the first example. Front yards could be bigger, if possible. Large front porch on the house on the right is really nice as is the trellis in front of the house at the end.	7/15/2021 9:11 PM
21	Looks like a nice housing project.	7/13/2021 5:12 PM
22	*Is it ADA compliant? It should be. *Is there sufficient street parking? There should be. *Are there solar panels on the rooftops? There should be.	7/7/2021 8:31 PM
23	As stated #2 looks like #2	7/7/2021 7:39 PM
24	These are less visually appealing somehow as compared to the first one	7/7/2021 10:25 AM
25	Lack of privacy in backyard	7/5/2021 10:48 AM
26	Front looks very close to sidewalk.	7/3/2021 6:55 AM
27	Do not like the same type materials/texture.	7/3/2021 6:35 AM
28	Not enough space between buildings so the alley is narrow	7/2/2021 7:18 PM

You have shown two VERY DIFFERENT townhome designs. You should allow us to comment on them separately since they each have a different look. The first one is void of architectural features while the second one has lots of nice details.

30	The garage in front, with no setback is cold and very uninviting. It discourages community interaction and hinders the development of community.	7/1/2021 3:04 PM
31	Same comment	7/1/2021 2:28 PM

TOWNHOUSES – Example 3 of 3 (Questions 14-15)

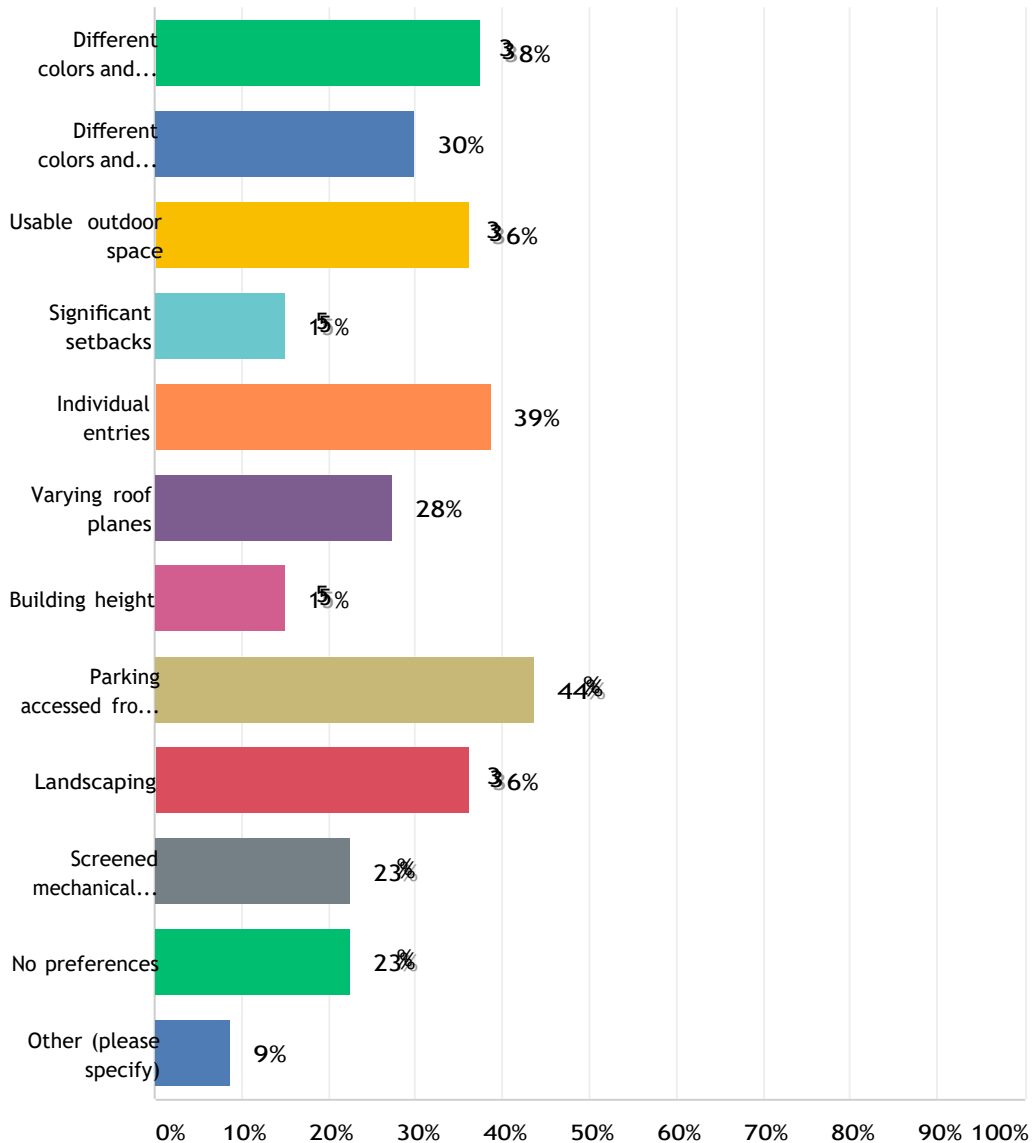
Townhouses are multi-floor homes that share one to two walls with adjacent homes and have their own entrances. Townhouses can be rented, or owned if established as a condominium development. In Brisbane, townhouses are allowed in the **R-2 and R-3 Residential zoning districts**. The number of units depends on the size of the lot they are built on.



This photograph shows a three-story townhouse development recently constructed in a neighboring city on the Peninsula. The project includes differing colors and materials at the ground floor, varying rooflines, setbacks and step-backs to articulate a long façade, usable outdoor space with fencing of limited height along the sidewalk, and parking accessed from rear alley or garage court (not pictured).

Q14 What design elements do you find appealing? Check all that apply.

Answered: 80 Skipped: 25



#	OTHER (PLEASE SPECIFY)	DATE
1	Not right for Brisbane.	9/1/2021 11:02 AM
2	looks like an institution	8/1/2021 7:39 PM
3	Nothing	7/22/2021 7:49 PM
4	None of the above this design is garbage.	7/7/2021 7:41 PM
5	Combination of wood, glass and metal is beautiful!	7/3/2021 6:58 AM
6	nothing is appealing about this design	7/1/2021 3:28 PM
7	Don't like it	7/1/2021 2:28 PM

Q15 Please tell what else you do or do not like about this development.

Answered: 37 Skipped: 68

#	RESPONSES	DATE
1	I like it but not for Brisbane. Not a "hometown feel" but rather a housing strip on El Camino Real	9/1/2021 11:02 AM
2	Like the more modern look of these as opposed to the previous 90s look.	8/31/2021 5:12 PM
3	Would prefer more landscaping and common area seating or pathways around building.	8/30/2021 11:12 PM
4	Ugly	8/29/2021 6:50 PM
5	This is off putting to me. Please don't ever build anything like this in Brisbane.	8/28/2021 2:20 PM
6	Too crowded	8/17/2021 9:35 AM
7	Not much landscaping	8/16/2021 12:58 PM
8	Aesthetically this is the most pleasing of the examples. Color, materials, and articulation are complementary and well-balanced. The overall structure is fairly massive and imposing so its location and proximity to existing builds is important.	8/16/2021 9:12 AM
9	I find this design relatively cold, and it does not feel like a community neighborhood	8/12/2021 7:58 PM
10	needs more camouflage on the ground level like how Santa Row in Santa Clara has murals painted on the buildings or like Stanford mall in Palo Alto has murals in the off shoots from the main mall walkway. The artwork provides visual interest.	7/28/2021 8:15 AM
11	Too modern; don't like the materials, almost too industrial-looking.	7/27/2021 7:02 PM
12	I think the eaves should be even bigger, but at least it's a start.	7/26/2021 8:40 AM
13	This has the feeling of something modern at the moment that might look dated in a couple of years.	7/25/2021 10:34 PM
14	Too modern for Brisbane	7/23/2021 11:27 PM
15	This building looks like it could be an office building or anything else, but not someone's home.. Nothing individual to tell whose home is whose. There is minimal green space. I wouldn't feel safe living on the ground floor. Don't like this one at all.	7/23/2021 5:19 PM
16	Least favorite, personal preference and previous negative experience.	7/22/2021 9:51 PM
17	Too urban/modern. Not good for Brisbane.	7/22/2021 7:49 PM
18	Outdoor space seems paltry.	7/22/2021 4:42 PM
19	Love many looking modern structures, but prefer the previous ones. However, am aware that cost has much to do with the final product...	7/22/2021 4:20 PM
20	What useable space? What significant setbacks? It's built right up to the sidewalk. Out door setting and display space is important these day.	7/22/2021 6:18 AM
21	I do not like this style of architecture. It looks too institutional	7/17/2021 4:08 PM
22	This is hideous. Can't even tell where the entry doors are, the colors are awful, there are no plants, there is no setback from the street, the balconies face a four lane street.	7/15/2021 9:15 PM
23	This is too modern for Brisbane. I can't identify the features that make it so. Perhaps the flat roof and generally flat facade.	7/14/2021 1:34 PM
24	Do not like the development at all. No character and boxy looking dark colors and doesn't look like town homes	7/13/2021 9:03 PM
25	I don't like the "standard" monotone look	7/13/2021 6:11 PM
26	This is awful. Does not fit the charm of Brisbane. Very boxy too.	7/13/2021 5:16 PM

27	The 'usable' outdoor space seems very small and impractical to actually use	7/9/2021 8:46 PM
28	To official/industrial looking	7/8/2021 4:08 PM
29	*These look ugly, like poorly designed college dormitories. *Ugly colors. *Is it ADA compliant? It should be. *Is there sufficient street parking? There should be. *Are there solar panels on the rooftops? There should be.	7/7/2021 8:35 PM
30	The design is horrible.	7/7/2021 7:41 PM
31	Ugly. Modern boxy design is just ugly. A huge "no" from me.	7/7/2021 10:26 AM
32	No charm	7/5/2021 10:48 AM
33	The pseudo decks on street level are rarely used/well and just collect garbage and have poor lighting.	7/3/2021 6:37 AM
34	It looks like an apartment house.	7/2/2021 10:20 PM
35	Too dense	7/2/2021 7:19 PM
36	Very flat front. Too much concrete in front and stucco. The porches are a nice touch but the building still has too much flat frontage. The large amount of stucco at the bottom makes this look like a commercial building. The ground-level doorways are like hollow holes and very unwelcoming.	7/2/2021 12:06 PM
37	do not like this design at all	7/1/2021 3:28 PM

MULTI-FAMILY RESIDENTIAL (1-3 STORIES) (Questions 16-17)

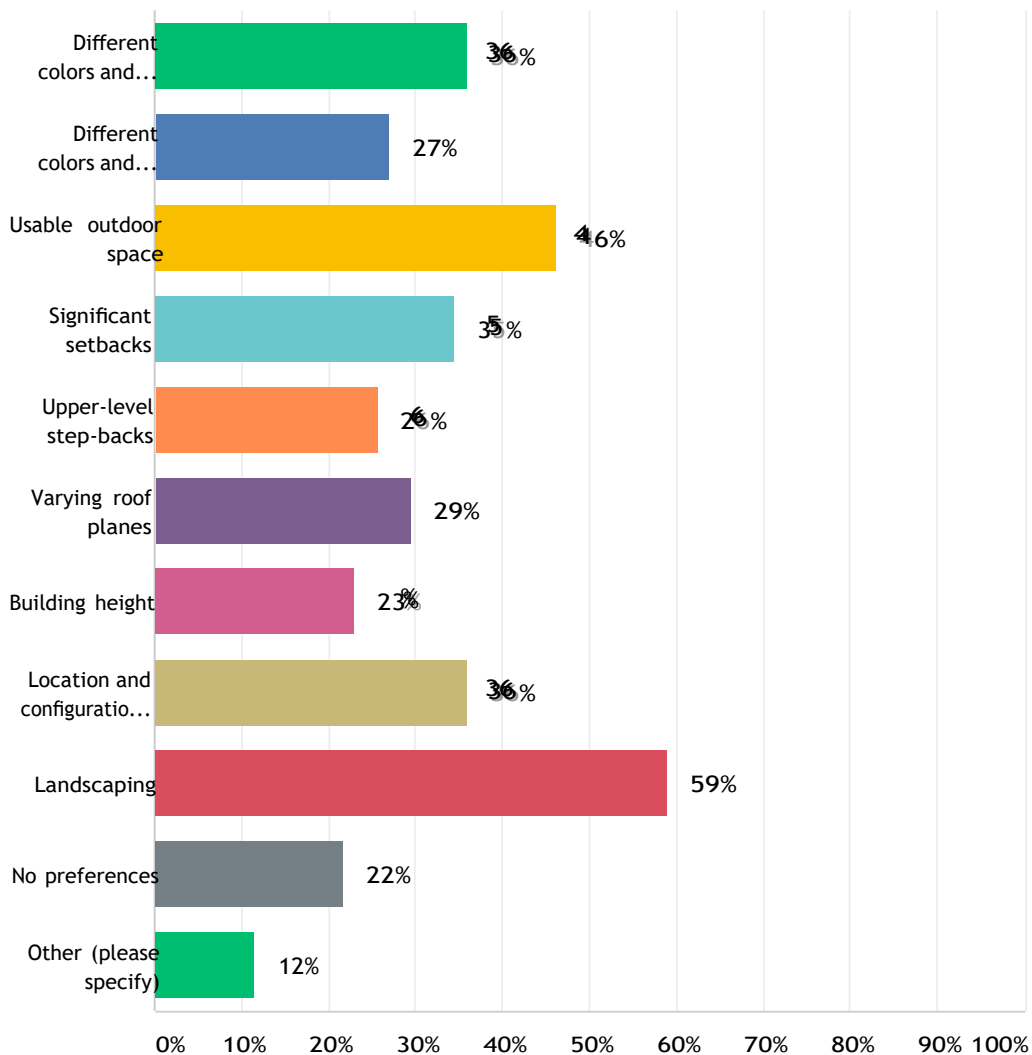
“Multi-family Housing” includes apartment buildings (multiple rental units in the same building) that are up to three stories tall. Given the maximum height limit of 30-35 feet for such buildings (depending on the zoning district), three stories is typically the maximum height for any new multi-family housing in Brisbane.



This photograph shows a three-story multifamily development recently completed in a neighboring city on the Peninsula. The project includes differing colors and materials at the ground floor, significant setbacks, and varying rooflines to articulate a long façade, usable outdoor space with fencing of limited height along the sidewalk, a stepdown of building height near neighboring low-rise buildings, and residential parking accessed from a single garage entry.

Q16 What design elements do you find appealing? Check all that apply.

Answered: 78 Skipped: 27



#	OTHER (PLEASE SPECIFY)	DATE
1	Underground parking is nice.	9/1/2021 11:08 AM
2	looks too busy	8/1/2021 7:40 PM
3	different textures w/similar earth tones & natural color pallet	7/28/2021 12:20 PM
4	This one is not something I'd want to live in. It looks like an apartment building with mostly flat walls. No character.	7/23/2021 5:23 PM
5	*Three stories high or less, as it should be.	7/7/2021 8:39 PM
6	Lower buildings heights with decks	7/7/2021 7:46 PM
7	Visually appealing. Looks like a mix of house and condo.	7/3/2021 7:00 AM
8	do not like the design	7/1/2021 3:29 PM
9	Don't like it. Dobnot wantvadjoining walls	7/1/2021 2:29 PM

Q17 Please tell us what else you do or do not like about this development.

Answered: 26 Skipped: 79

#	RESPONSES	DATE
1	I would have liked to see other examples. This complex is very outdated.	9/1/2021 11:08 AM
2	Windows are small, color variation between units should be more noticeable and bright. Has boxy look.	8/30/2021 11:14 PM
3	Ugly	8/29/2021 6:51 PM
4	This looks too cookie cutter	8/28/2021 2:22 PM
5	Could block neighbor's view	8/17/2021 9:37 AM
6	I understand the need for high-density housing. The overall design of these structures is fine but the location in town will be the most critical factor.	8/16/2021 9:18 AM
7	It would be nice to have signage or visible markings for pedestrians that cars come may frequently come in/out of garage.	7/28/2021 12:20 PM
8	don't like the material	7/27/2021 7:03 PM
9	I like this one.	7/26/2021 8:41 AM
10	Don't like the overall look, too boxy and dark	7/22/2021 7:49 PM
11	Nice looking units, but none so far have the charm of the initial offering.	7/22/2021 4:22 PM
12	Too many landscapes	7/22/2021 3:48 PM
13	Photo number two is best except this one has more green space. Otherwise too modern. Our town is cute. This is too modern and boxy to fit in.	7/22/2021 6:20 AM
14	The lower example looks too cluttered and "busy."	7/17/2021 4:10 PM
15	This is a pretty good looking apartment building. The pipes sticking out of the ground next to the garage entrance look kind of odd.	7/15/2021 9:18 PM
16	Do not like the earth tones not much of a difference in the colors not very appealing even with all the varying set backs	7/13/2021 9:05 PM
17	Too tall and boxy.	7/13/2021 5:16 PM
18	like the stepdown of building height near neighboring shorter buildings	7/8/2021 8:49 AM
19	*Boring colors, but not horrible. *Is it ADA compliant? It should be. *Is there sufficient street parking? There should be. *Are there solar panels on the rooftops? There should be.	7/7/2021 8:39 PM
20	Buildings over two stories should a no go, and for the most part these homes look like trash.	7/7/2021 7:46 PM
21	Too cookie cutter!	7/7/2021 10:29 AM
22	Don't like the garage	7/5/2021 10:49 AM
23	Too many units; doe not fit with current housing	7/2/2021 7:20 PM
24	First photo has large expanses of brick and wood blank walls.	7/2/2021 12:09 PM
25	design is boring	7/1/2021 3:29 PM
26	Monochromatic, no feeling of a home; from the appearance it could be homes or offices.	7/1/2021 3:06 PM

MULTI-FAMILY RESIDENTIAL (4-5 STORIES) – Example 1 of 2 (Questions 18-19)

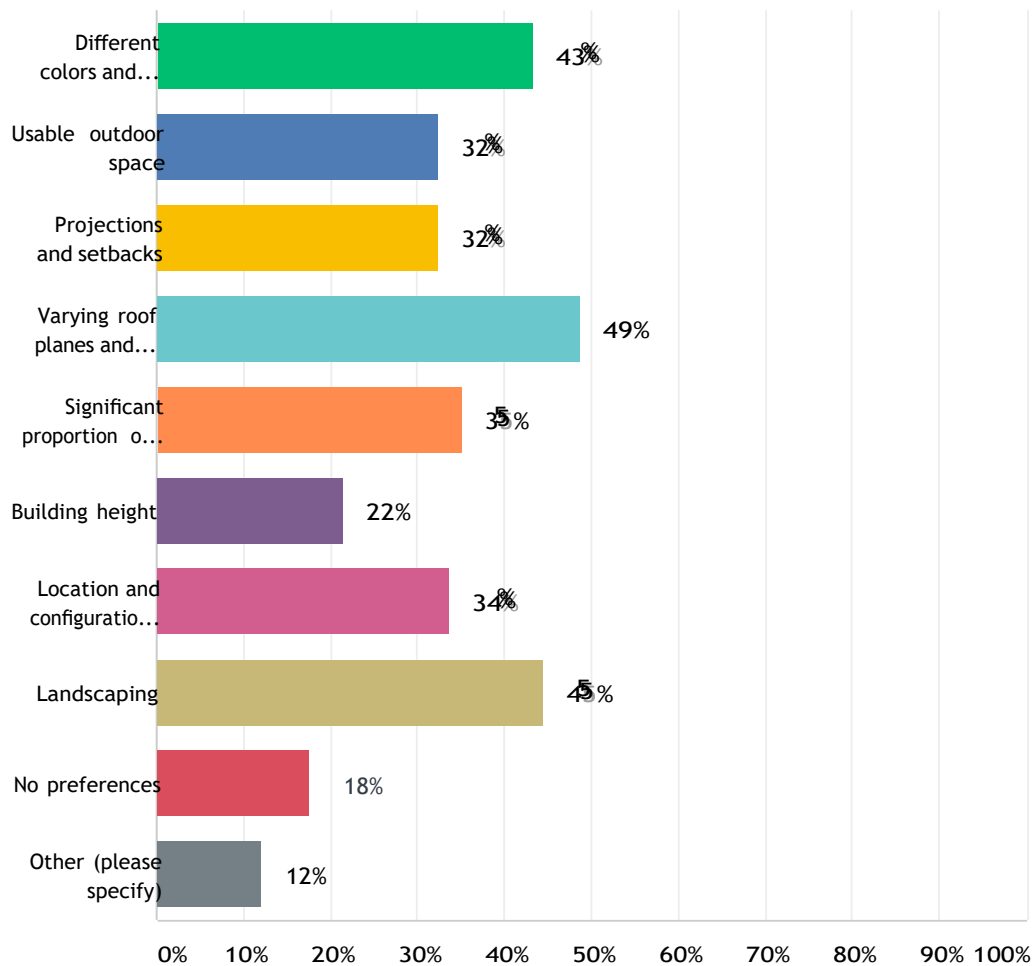
In Brisbane, the height of residential and mixed-use buildings is typically limited to three stories. However, the City needs to be prepared to consider developments that exceed the maximum height limit if developers request an adjustment to the height limit as part of a “density bonus” request under State density bonus law [2] and streamlining laws like Senate Bill (SB) 35 [3] that allow developers to exceed or modify local development standards as a condition of providing affordable housing. Adopting design standards for taller developments will help the City to control the design of such developments to make sure they are sensitive to surrounding development.



This photograph shows a four-story multifamily development recently built in a neighboring city on the Peninsula. The project includes differing colors, textures, and materials at the lower levels, varying setbacks, protrusions and varying rooflines to articulate the long façade (including a significant proportion of step-backs along the fourth floor), usable outdoor space with fencing, and residential parking accessed from a single garage entry along the main road.

Q18 What design elements do you find appealing? Check all that apply.

Answered: 74 Skipped: 31



#	OTHER (PLEASE SPECIFY)	DATE
1	This Mediterranean look is much better than the dated photos from the Multi-family example.	9/1/2021 11:08 AM
2	Beautiful design, reminds me of southern CA (San Diego, Santa Barbara) with a modern twist.	8/30/2021 11:15 PM
3	Just NO.	8/16/2021 9:21 AM
4	DEFINATELY way too large and tall. for this town'	8/1/2021 7:41 PM
5	didn't find anything aesthetically pleasing but this question required an answer in order to proceed with survey.	7/28/2021 12:25 PM
6	Getting more obtrusive to me, but still very attractive.	7/22/2021 4:30 PM
7	The upper level isn't set back.	7/22/2021 6:22 AM
8	tile roof	7/15/2021 8:53 AM
9	Don't like it	7/3/2021 7:02 AM

Q19 Please tell us what else you do or do not like about this development.

Answered: 27 Skipped: 78

#	RESPONSES	DATE
1	Nice premium roofing. Looks classy.	8/31/2021 5:14 PM
2	Better use of color, texture and contrasting architectural elements than the previous 2 examples. Not crazy about 4 stories but this one is pretty well done.	8/28/2021 2:25 PM
3	They are just apts.	8/17/2021 9:39 AM
4	I am not in favor of any structure over 3 stories in Brisbane. PERIOD.	8/16/2021 9:21 AM
5	The size and height of these seem too big for Brisbane.	8/14/2021 7:33 AM
6	Honestly this survey makes no sense to me. I don't differentiate between these types of housing	8/13/2021 7:05 PM
7	don't care for the 4 story height--too high for a small city of Brisbane. More appropriate for a larger city. Not enough setback, feels crowded.	7/28/2021 12:25 PM
8	don't like the style with tile roof and iron railings	7/27/2021 7:06 PM
9	The stucco walls will just bake all day and everybody will run their air conditioners all day to make up for it. Brisbane doesn't seem like the right setting for this spanish style architecture.	7/26/2021 8:43 AM
10	Can't really see the outdoor space	7/25/2021 10:37 PM
11	Gorgeous! Love the roof, balconies, overall flow.	7/22/2021 7:50 PM
12	You can never go wrong with Mediterranean architecture -- i.e., Stucco, tile roofs, and a creative archway here and there.	7/22/2021 4:30 PM
13	May be too dense for City of Brisbane.	7/19/2021 11:01 AM
14	Building height	7/17/2021 10:51 AM
15	This is pretty horrible. I don't really see much differentiation in color or texture; this building looks like it would just get dirty fast, like a white carpet. There is no landscaping other than some scrubby bushes and there are no setbacks from the street. I bet the rent on this building is incredibly overpriced because of all the faux "Spanish" touches. The balconies are too small to be usable for anything.	7/15/2021 9:24 PM
16	Not as bad for being a large complex - could use a little more Color something not so drab	7/13/2021 9:07 PM
17	Generally do not believe this is good for our town.	7/13/2021 5:17 PM
18	This is a big square mess with uselessly small balconies and no real style to it.	7/9/2021 8:48 PM
19	I like some step-back of upper level, but this seems a bit extreme & like a loss of potential additional housing space/units	7/8/2021 8:52 AM
20	*I do not want construction higher than 3 stories. *Is it ADA compliant? It should be. *Is there sufficient street parking? There should be. *Are there solar panels on the rooftops? There should be.	7/7/2021 8:39 PM
21	These actually don't look to bad but again to high. The state has thumbed its nose at the federal government we should do the same to the state.	7/7/2021 7:51 PM
22	The aesthetic is beautiful. Spanish style, curved wrought iron railings, tile roof.	7/7/2021 10:31 AM
23	Looks huge, like it is an institution or government building.	7/3/2021 7:02 AM
24	Not enough setback.	7/3/2021 6:48 AM
25	Too big	7/2/2021 7:20 PM
26	Ground floor is not welcoming. It's dark and the low concrete walls make it seem like a fortress where the upper stories feature openness and light.	7/2/2021 12:13 PM
220	Very compact which is not appealing - very congested	7/1/2021 3:31 PM

MULTIFAMILY RESIDENTIAL (4-5 STORIES) – Example 2 of 2 (Questions 20-21)

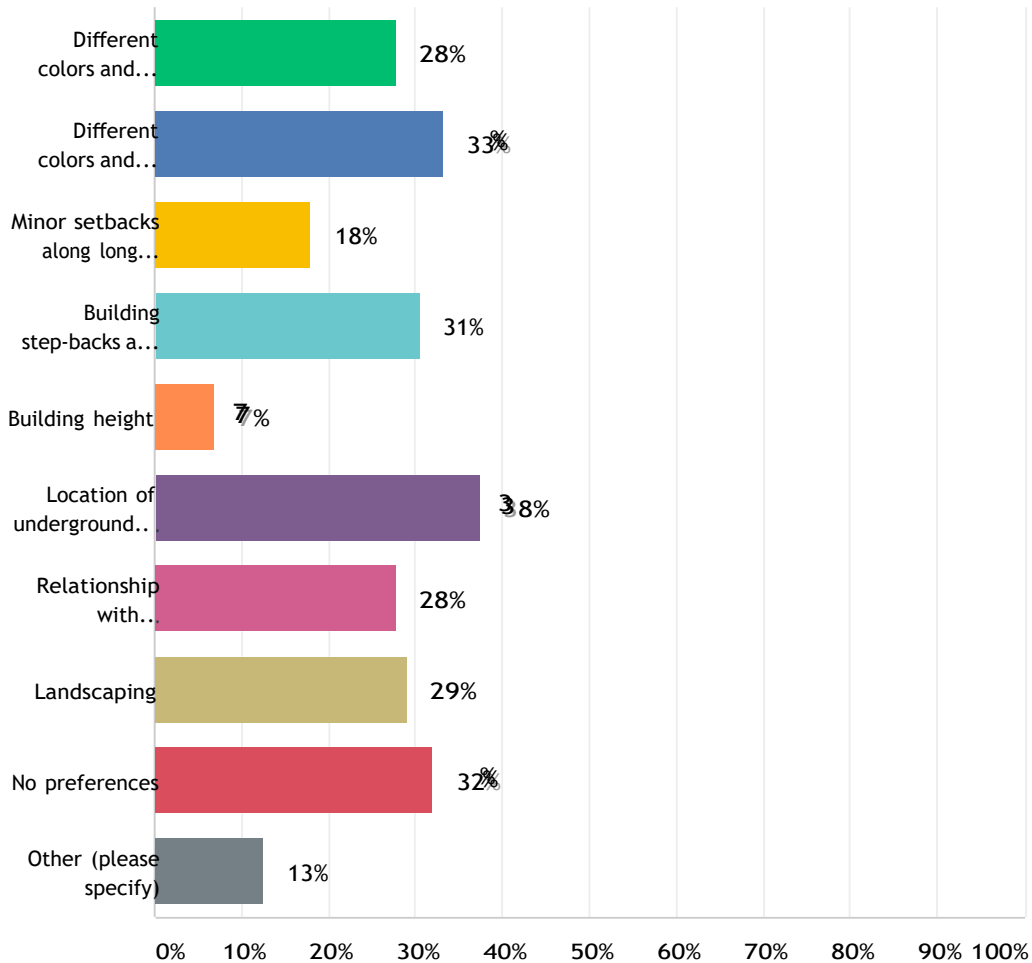
In Brisbane, the height of residential and mixed-use buildings is typically limited to three stories. However, the City needs to be prepared to consider developments that exceed the maximum height limit if developers request an adjustment to the height limit as part of a “density bonus” request under State density bonus or streamlining laws. Adopting design standards for taller developments will help the City to control the design of such developments to make sure they are sensitive to surrounding development.



The image shows a five-story residential project in a neighboring city on the Peninsula. One side of the building faces a lower-height residential neighborhood. The portion of the building adjacent to the lower-height residential buildings includes defined entry doors and stoops, significant step-backs at the fourth floor, and landscaping between the building and sidewalk. The building also features different exterior materials at the ground floor, underground parking not visible from the street, and minor setbacks along street frontages.

Q20 What design elements do you find appealing? Check all that apply.

Answered: 72 Skipped: 33



#	OTHER (PLEASE SPECIFY)	DATE
1	The trees are nice. At the very top steeple, they should have greenery. Sticks out like a sore thumb. Mural, garden rooftop, vines, dripping plants at the windows or balcony filled with greenery.	9/1/2021 11:17 AM
2	Varied building height makes tall building seem less imposing, and more likely to fit in with smaller buildings. Minimizes footprint.	8/30/2021 11:17 PM
3	NO	8/16/2021 9:22 AM
4	ridiculous for Brisbane, keep it small not filled to the brim	8/1/2021 7:42 PM
5	Not much to like	7/22/2021 7:51 PM
6	Way to imposing.	7/22/2021 4:35 PM
7	None looks like friggin crap	7/7/2021 7:53 PM
8	Don't like it.	7/3/2021 7:03 AM
9	not a big fan of this design - too congested	7/1/2021 3:32 PM

Q21 Please tell us what else you do or do not like about this development.

Answered: 26 Skipped: 79

#	RESPONSES	DATE
1	Looks more like a hotel than a residence and something next to a strip mall. Not my preference. Looks like something I'd find in San Jose not Brisbane.	8/31/2021 5:15 PM
2	This seems massive and would look very out of place in Brisbane.	8/28/2021 2:27 PM
3	I thought there was a water shortage?	8/17/2021 9:39 AM
4	Just too tall.	8/16/2021 9:22 AM
5	See previous response	8/13/2021 7:05 PM
6	same as previous 4 story development. Too high for Brisbane and not enough setback. Doesn't blend well with small city feel.	7/28/2021 12:27 PM
7	don't like the tile roof	7/27/2021 7:07 PM
8	The fake foam trim with stucco blown over it always looks cheap and terrible. I say let San Jose and it's neighbors keep this style to themselves. I would rather see solid flat walls than this. An industrial warehouse loft look would be way more fitting than this monstrosity.	7/26/2021 8:46 AM
9	Too big for Brisbane	7/25/2021 9:37 AM
10	Too tall	7/22/2021 7:51 PM
11	Just looking at the intersection where constructed, that certainly shows it is way out of scale for our little community.	7/22/2021 4:35 PM
12	Too big for Brisbane	7/22/2021 6:22 AM
13	Population density out of scale for Brisbane.	7/19/2021 11:02 AM
14	Building height	7/17/2021 10:52 AM
15	There is nothing likable about this building. This is the worse one yet, I have nothing positive to say about it.	7/15/2021 9:27 PM
16	Don't think this would fit in old Brisbane maybe bay lands?	7/13/2021 9:09 PM
17	I don't care for the facade	7/13/2021 6:12 PM
18	*I do not want housing structures higher than 3 stories. *Is it ADA compliant? It should be. *Is there sufficient street parking? There should be. *Are there solar panels on the rooftops? There should be.	7/7/2021 8:39 PM
19	Again to darn high looks like garbage.	7/7/2021 7:53 PM
20	It's not pleasant to look at. Example 1 of the 4-5 stories looked much better.	7/7/2021 10:34 AM
21	Looks like a care home for seniors with disabilities.	7/3/2021 7:03 AM
22	Too much height	7/3/2021 6:49 AM
23	Too big	7/2/2021 7:20 PM
24	Very "confused" architecture. The "columned" upper level porch in the first picture has possibilities, but they didn't carry it through the entire structure. While I usually commend architectural variety, this just looks like the architect threw the baby in with the bathwater to disguise an otherwise ugly stucco building. Absolutely NOTHING welcoming about the ground floor. This looks like ground floor retail with apartments above.	7/2/2021 12:19 PM
25	Very compact - not a fan	7/1/2021 3:32 PM
26	Ugly and cold	7/1/2021 3:08 PM

MIXED-USE (1-3 STORIES) (Questions 22-23)

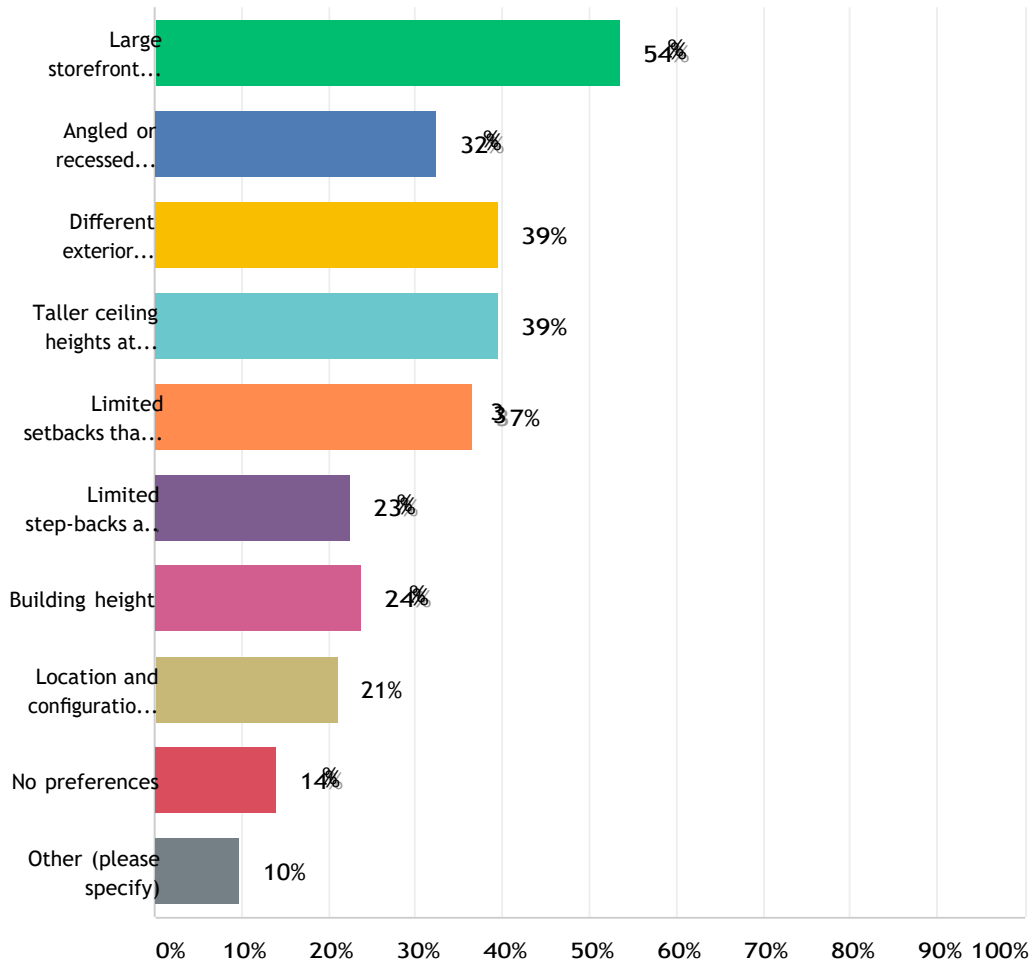
"Mixed-use" projects include any combination of housing and other land uses in the same building or on the same property. The NCRO-2 district includes properties along Visitacion Avenue and the first block of San Bruno Avenue, which include a variety of commercial, residential, and mixed-uses. The district also features small, narrow lots and narrow sidewalks. The next three questions focus on encouraging new residential and mixed-use development that respects the intimate scale of downtown.



The image shows a recently approved mixed-use project on Visitacion Avenue in Brisbane on a typical 25-foot-wide lot. The ground floor includes required residential parking, driveway, a residential entry (door), and leaves approximately one third of street frontage for commercial storefront (less than 600 square feet). The building also includes step-backs and outdoor space at upper floors.

Q22 What design elements do you find appealing? Check all that apply.

Answered: 71 Skipped: 34



#	OTHER (PLEASE SPECIFY)	DATE
1	Seems like it would in with existing downtown along Visitacion Ave. Good proportionality between retail and residential.	8/30/2021 11:19 PM
2	Mixed use.	8/29/2021 6:55 PM
3	BORING	8/1/2021 7:42 PM
4	Balconies	7/22/2021 7:52 PM
5	No architectural gem, but don't dislike a few here and there.	7/22/2021 4:38 PM
6	Nothing appealing about this building	7/13/2021 9:10 PM
7	Upper windows with grids allows it to blend with older structures. The facade over the ground floor is a nice statement of its retail nature.	7/2/2021 12:22 PM

Q23 Please tell us what else you do or do not like about this development.

Answered: 26 Skipped: 79

#	RESPONSES	DATE
1	It's a little bland and cold looking. Like that one built on the 100 or 200 block of San Bruno that is fairly new.	9/1/2021 11:21 AM
2	The concept is fine but this is missing architectural interest and it looks like the 3 stories don't belong together at all - like someone just stacked pieces together. There would need to be more to tie the 3 stories together or at least the top 2 stories and then add more differentiation at the ground floor.	8/28/2021 2:32 PM
3	It's ok	8/17/2021 9:41 AM
4	no commercial needed	8/2/2021 8:28 AM
5	location of parking, better if hidden from main street and safer for pedestrians.	7/28/2021 12:28 PM
6	don't like the flat boxy look; needs more interest with set-backs at upper levels	7/27/2021 7:08 PM
7	If you're not going to have eaves that serve a purpose, than you might as well get rid of them. Visually it's so much more appealing than an almost useless 1' overhang.	7/26/2021 8:48 AM
8	I don't like where the parking is. Would prefer it in the back or alley way.	7/24/2021 5:29 PM
9	Don't like - Looks very plain	7/22/2021 7:52 PM
10	Looks neat & efficient for a downtown city street.	7/22/2021 4:38 PM
11	Don't need to include garage since no one parks cars in garage??	7/22/2021 3:51 PM
12	Ugly!! Would not fit in Brisbane. Modern brutalist	7/22/2021 6:24 AM
13	I hope it doesn't come to this.	7/17/2021 4:16 PM
14	The balconies are nice. It should be stepped back from the sidewalk with green space in front.	7/15/2021 9:30 PM
15	This is a boxy no character building	7/13/2021 9:10 PM
16	Boxy	7/13/2021 5:18 PM
17	This feels jammed into a very small lot. Requiring the garage seriously cuts into the viability of the commercial space	7/9/2021 8:51 PM
18	is it possible for residential parking to be access/located from the back of the building? Would rather see more of the ground level available for the storefront & parking be more hidden if feasible in a given location.	7/8/2021 8:57 AM
19	It's so boxy on top.	7/7/2021 9:02 PM
20	*Is it ADA compliant? It should be. *Is there sufficient street parking? There should be. *Are there solar panels on the rooftops? There should be.	7/7/2021 8:40 PM
21	No charm	7/5/2021 10:50 AM
22	Is such a small commercial space on Ground floor viable?	7/3/2021 7:05 AM
23	More setback.	7/3/2021 6:52 AM
24	Ground floor is a welcoming storefront.	7/2/2021 12:22 PM
25	As long as there is space between buildings, this design could work	7/1/2021 3:33 PM
26	Too urban for a suburban area. The recent ones I have seen built in Daly City and SSF are not working-the shops are all empty. That discourages the creation of community	7/1/2021 3:10 PM

MIXED-USE (3-4 STORIES) – Example 1 of 2 (Questions 24-25)

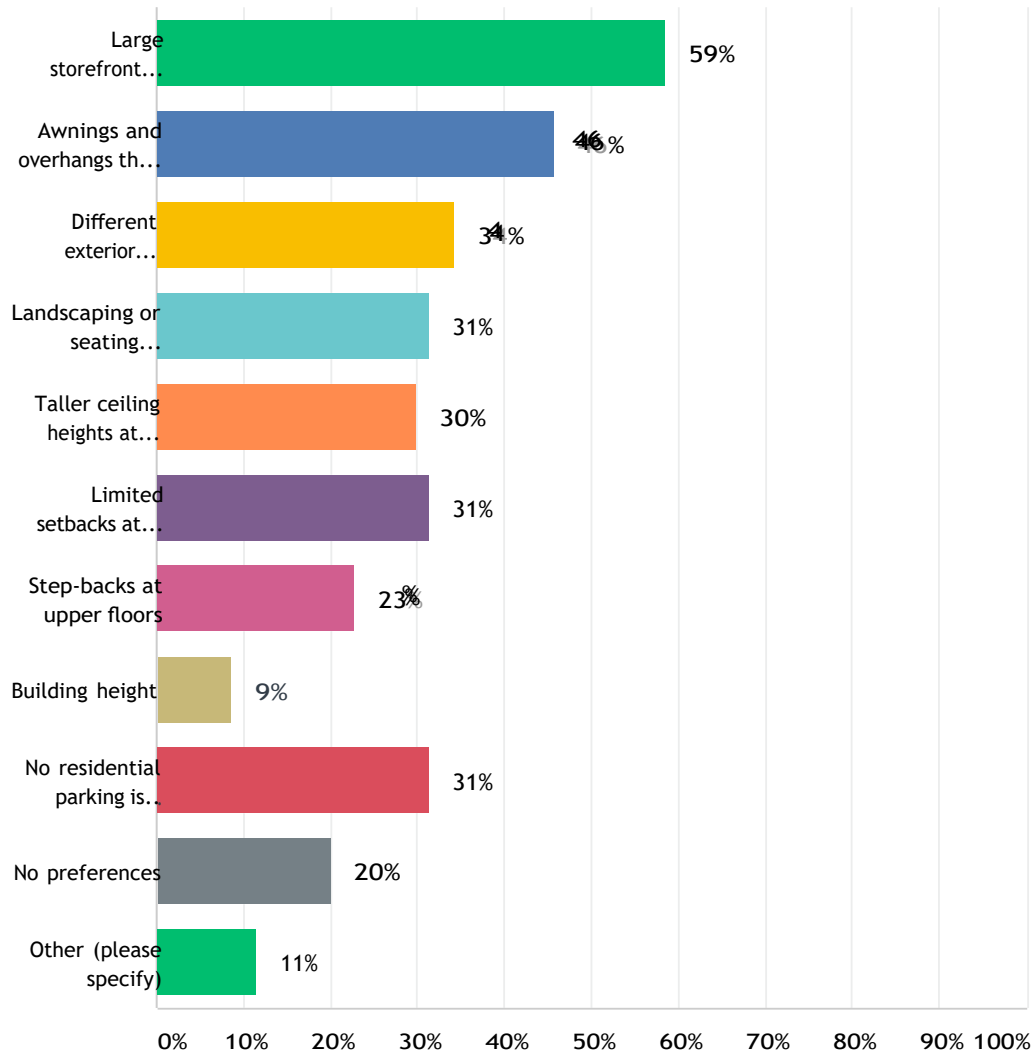
In Brisbane, the height of residential and mixed-use buildings is typically limited to three stories. However, the City needs to be prepared to consider developments that exceed the maximum height limit if developers request an adjustment to the height limit as part of a “density bonus” request under State density bonus or streamlining laws. Adopting design standards for taller developments will help the City to control the design of such developments to make sure they are sensitive to surrounding development.



The images show a mixed-use project in a neighboring city on the Peninsula. The design includes a significant step-back at upper floors, usable outdoor space, generous glass storefronts, and no residential parking is accessed from the commercial street, allowing for larger commercial areas on narrow lots. It also includes small front setback allowing for plantings and bike racks on a narrow sidewalk.

Q24 What design elements do you find appealing? Check all that apply.

Answered: 70 Skipped: 35



#	OTHER (PLEASE SPECIFY)	DATE
1	Colors are nice.	9/1/2021 11:55 AM
2	Uggh.	8/16/2021 9:34 AM
3	FOR A LARGER TOWN, GO TO SSF! WE DO NOT HAVE MUCH OF A COMMERCIAL AREA, WE DON'T HAVE THE POPULATION OR FOOT TRAFFIC	8/1/2021 7:43 PM
4	Cool looking modern structure.	7/22/2021 4:43 PM
5	Xxx	7/10/2021 5:42 AM
6	I don't find any close to appealing about this design.	7/7/2021 7:57 PM
7	Do not like it	7/3/2021 7:06 AM
8	Nothing appealing about this design	7/1/2021 3:33 PM

Q25 Please tell us what else you do or do not like about this development.

Answered: 31 Skipped: 74

#	RESPONSES	DATE
1	Again not sure if it fits Brisbane, but i like it compared to the other square building designs	9/1/2021 11:55 AM
2	Too boxy and contemporary. Would prefer more windows and less focus on concrete walls.	8/30/2021 11:21 PM
3	Having trouble with 4 stories but understand we may have to go there. The residential stories need more character. Even with the set backs this looks like a big box.	8/28/2021 2:36 PM
4	Commercial should be commercial, residential should be residential	8/17/2021 9:43 AM
5	That is one ugly building. Aside from the fact that I dislike the overall design of the structure, no thought was given to the visual impact on the neighborhood. Totally incongruous with adjacent structures. I'm trying to be objective but in my mind, there is no excuse for something like this other than a lack of knowledge of the community or just no caring.	8/16/2021 9:34 AM
6	This could work downtown in order to bring in more businesses, but I would be cautious of ousting existing businesses and the character of downtown currently.	8/14/2021 7:34 AM
7	its not needed	8/2/2021 8:28 AM
8	too modern, prefer more natrua/earthy look--needs more than clear/glass balcony to blend in	7/28/2021 12:31 PM
9	Don't like the materials used; looks to industrial	7/27/2021 7:09 PM
10	I'd have to say it's not worse than the visually appalling designs that surround it... Although, I feel like it will look dated sooner rather than later.	7/26/2021 8:52 AM
11	Does not fit with Brisbane aesthetic	7/23/2021 11:30 PM
12	Uhg! Too modern/boxy; generic Bay tech. Bland.	7/22/2021 7:52 PM
13	Lack of parking seems short-sighted for both business/commercial and residential aspects.	7/22/2021 4:44 PM
14	Again, too large for Visitation or San Bruno Ave(s). Appears the size of the offerings are slowly getting larger once again. Look at the width of the sidewalks...	7/22/2021 4:43 PM
15	I don't understand lots of the terms, is this survey going to end yet	7/22/2021 3:53 PM
16	Ugly!! Would not fit in Brisbane. Modern brutalist	7/22/2021 6:24 AM
17	Population density out of scale for Brisbane	7/19/2021 11:04 AM
18	This would be an improvement over just about anything currently located on Visitation Ave.	7/17/2021 4:19 PM
19	The upper floors aren't stepped backed, I don't know what you are talking about. Bushes aren't landscaping. the top of the building doesn't have anything to do with the bottom of the building.	7/15/2021 9:34 PM
20	Terrible looking	7/13/2021 9:11 PM
21	Not a fan of heightened commercial access	7/13/2021 6:13 PM
22	*I do not want mixed-use structures taller than 3 stories. *Ugly colors. *Is it ADA compliant? It should be. *Is there sufficient street parking? There should be. *Are there solar panels on the rooftops? There should be.	7/7/2021 8:42 PM
23	The darn thing is wrong for Brisbane.	7/7/2021 7:57 PM
24	Ugly	7/7/2021 10:36 AM
25	No	7/5/2021 10:51 AM
26	Looks huge and too heavy.	7/3/2021 7:06 AM
27	Too big and blocky. Architectural style not complementary to Brisbane.	7/3/2021 6:58 AM

28	Too tall	7/2/2021 7:22 PM
29	Size and massive nature of structure looks like it landed from Mars. It has made attempts at setbacks but the sides still have large masses of blank wall space. More balconies or windows to break up the space would have helped. If they had continued the orange and black on the front it would not look so large. The mass of white stucco is what makes it look imposing. Darker colors help hide the mass of a building.	7/2/2021 12:28 PM
30	Not a fan - very commercial feel - would NOT like this in Brisbane	7/1/2021 3:33 PM
31	This type of building needs a large consumer base to support the ground floor businesses. Brisbane does not have the critical mass to make this work	7/1/2021 3:12 PM

MIXED-USE (3-4 STORIES) – Example 2 of 2 (Questions 26-27)

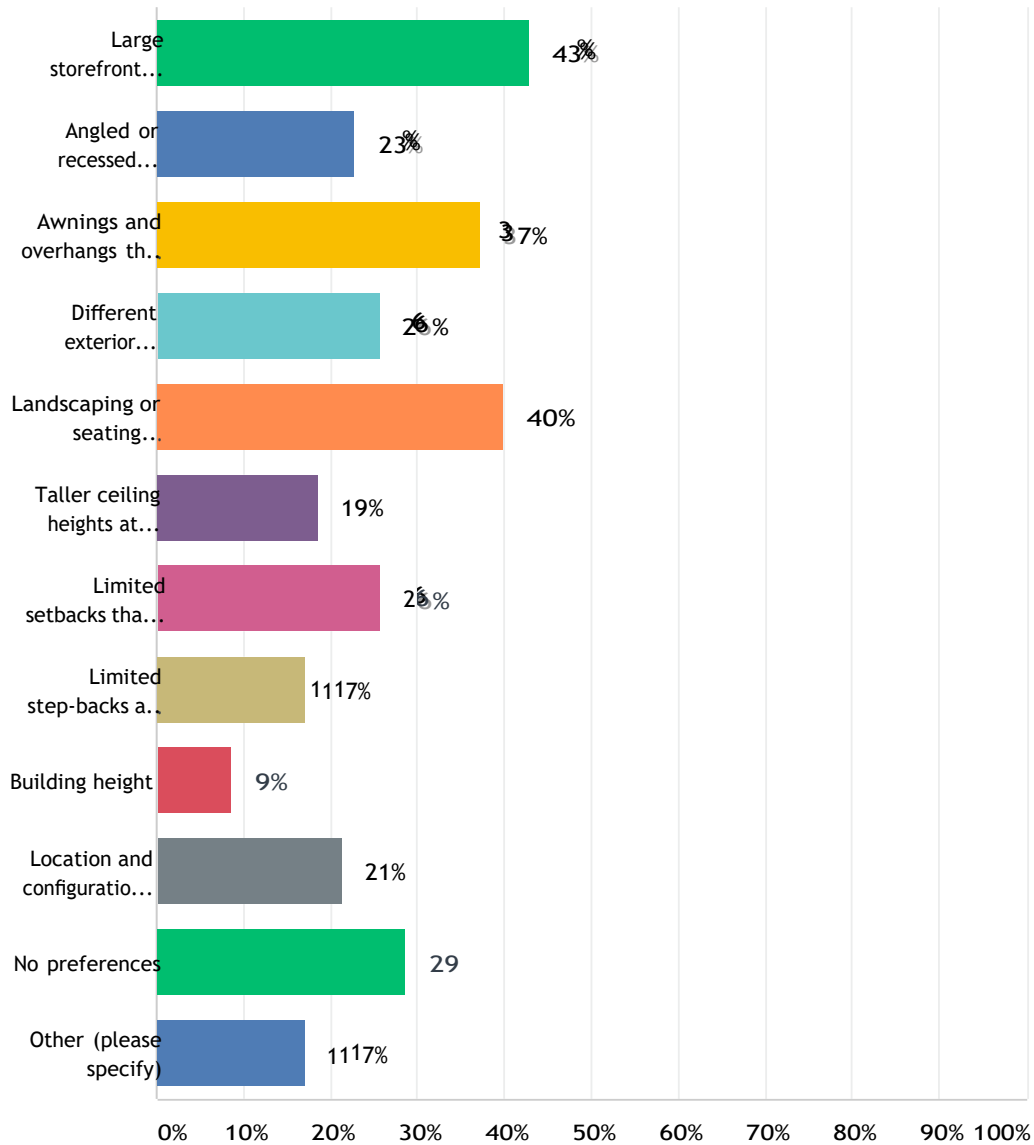
In Brisbane, the height of residential and mixed-use buildings is typically limited to three stories. However, the City needs to be prepared to consider developments that exceed the maximum height limit if developers request an adjustment to the height limit as part of a “density bonus” request under State density bonus or streamlining laws. Adopting design standards for taller developments will help the City to control the design of such developments to make sure they are sensitive to surrounding development.



The image shows a mixed-use project in a neighboring city on the Peninsula. The project includes step-backs at upper floors, usable outdoor space, generous glass storefronts, and no residential parking is accessed from the commercial street, allowing for larger commercial areas on narrow mixed use lots. It also includes a small setback allowing for plantings and seating on a narrow sidewalk.

Q26 What design elements do you find appealing? Check all that apply.

Answered: 70 Skipped: 35



Other (please specify)

17%

12

Total Respondents: 70

#	OTHER (PLEASE SPECIFY)	DATE
1	Colors are nice	9/1/2021 11:55 AM
2	Too tall	8/16/2021 9:43 AM
3	Oh Stop! this is for a much larger city	8/1/2021 7:44 PM
4	Stop with the increasing size, please.	7/22/2021 4:46 PM
5	Out of scale for community	7/19/2021 11:05 AM
6	Nothing	7/13/2021 9:12 PM
7	I don't like this building	7/9/2021 10:52 PM
8	Not a darn thing.	7/7/2021 8:00 PM
9	Too tall	7/5/2021 10:51 AM
10	Don't like it	7/3/2021 7:07 AM
11	Wooden planter box on right front of building	7/2/2021 12:31 PM
12	Not a fan - too much of a commercial feel	7/1/2021 3:34 PM

Q27 Please tell us what else you do or do not like about this development.

Answered: 30 Skipped: 75

#	RESPONSES	DATE
1	Too boxy and modern. Too much concrete and not enough windows.	8/30/2021 11:22 PM
2	The residential floors are non-descript. Need more texture and interesting architectural elements. I imagine this looking very sad and dated in 10 years.	8/28/2021 2:41 PM
3	Horrible pack em in like sardines-Where's the water?	8/17/2021 9:45 AM
4	without getting into an in-depth critique of modern architecture, the main tenant is balance. This building lacks it. Also, again a lack of consideration of the structural landscape.	8/16/2021 9:43 AM
5	I don't see the difference in any of these. Please build affordable housing for all so we can alleviate the housing crisis!!!	8/13/2021 7:06 PM
6	more setback for outdoor seating and plants to hide the height of the building. Don't like the clear balconies since it will show clutter.	7/28/2021 12:33 PM
7	The covered porches are pretty cool. I don't dislike this one.	7/26/2021 8:53 AM
8	The first is more visually interesting to me than this second one.	7/25/2021 10:42 PM
9	Too big for Brisbane	7/25/2021 9:42 AM
10	Does not fit with Brisbane aesthetic	7/23/2021 11:31 PM
11	Nice sidewalk area, otherwise still too boxy and too modern.	7/22/2021 7:53 PM
12	Cold exterior design, and showing ugly 'parklets' no less...	7/22/2021 4:46 PM
13	Lack of parking is not ideal.	7/22/2021 4:45 PM
14	Ugly!! Would not fit in Brisbane. Modern brutalist	7/22/2021 6:25 AM
15	Population density out of scale for Brisbane	7/19/2021 11:05 AM
16	Stunningly unattractive.	7/17/2021 4:20 PM
17	This is a pretty good looking building. No landscaping but the seating area is nice except that stupid parklet needs to go. Balconies are really nice.	7/15/2021 9:39 PM
18	This is just a sad looking building	7/13/2021 9:12 PM
19	Dislike because of too much foot traffic	7/13/2021 6:14 PM
20	Not very homey.	7/13/2021 5:19 PM
21	*I do not want mixed-use structures taller than 3 stories. *Unpleasant colors, but not horrible. *Is it ADA compliant? It should be. *Is there sufficient street parking? There should be. *Are there solar panels on the rooftops? There should be.	7/7/2021 8:43 PM
22	The best thing about this design is if we're never considered or built.	7/7/2021 8:00 PM
23	Ugly, but not as bad as other example in this category. Some of the mixed use ones in the video were nicer.	7/7/2021 10:39 AM
24	Looks strange	7/3/2021 7:07 AM
25	Too bulky	7/3/2021 6:59 AM
26	Always a flat roof -- can't the architects do better?	7/2/2021 10:28 PM
27	Too high	7/2/2021 7:23 PM
28	Can we say "ugly"? This is an eyesore. terrible use of colors and materials. Even the seating	7/2/2021 12:31 PM

in front looks like an afterthought.

29	Do not like this design - this is not Brisbane	7/1/2021 3:34 PM
30	Same as previous example, too urban. Leave this for SF and Oak	7/1/2021 3:13 PM

MIXED-USE (4-5 STORIES) (Questions 28-29)

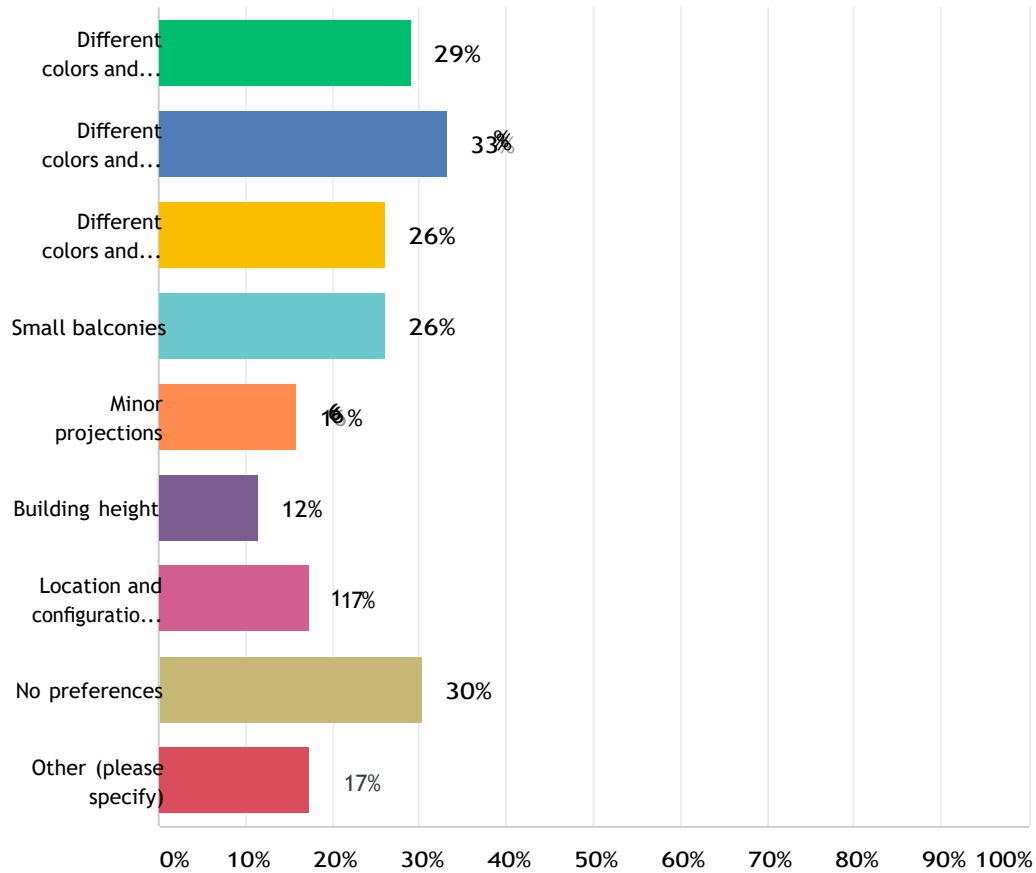
In Brisbane, the height of residential and mixed-use buildings is typically limited to three stories. However, the City needs to be prepared to consider developments that exceed the maximum height limit if developers request an adjustment to the height limit as part of a “density bonus” request under State density bonus or streamlining laws. Adopting design standards for taller developments will help the City to control the design of such developments to make sure they are sensitive to surrounding development.



The image shows a 4-story mixed use project in a neighboring city on the Peninsula. The project features differing colors and materials at the ground floor, change of color and texture to suggest an upper floor setback, projections, canopies, and small balconies to break up the

Q28 What design elements do you find appealing? Check all that apply.

Answered: 69 Skipped: 36



#	OTHER (PLEASE SPECIFY)	DATE
1	Canopy is nice	9/1/2021 11:58 AM
2	Don't like this design. Too black and white.	8/31/2021 5:19 PM
3	The plaza concept is interesting.	8/28/2021 2:47 PM
4	too big	8/16/2021 9:45 AM
5	hideous	8/1/2021 7:45 PM
6	Not much is to like with this baby.	7/22/2021 4:50 PM
7	Out of scale, too busy	7/19/2021 11:06 AM
8	nothing	7/15/2021 9:42 PM
9	Again more garbage.	7/7/2021 8:01 PM
10	Cleaner lines. Nice outside space in front.	7/3/2021 7:09 AM
11	Arbors	7/2/2021 12:35 PM
12	Not a fan - too dense	7/1/2021 3:35 PM

Q29 Please tell us what else you do or do not like about this development.

Answered: 35 Skipped: 70

#	RESPONSES	DATE
1	Everything about it is ugly and cold for Brisbane. Natural colors only, bars are off-putting.	9/1/2021 11:58 AM
2	Not enough color, too much black/white, looks like a jail. Like common area in front of building with seating and shade structure. Balconies too small and don't like metallic materials.	8/30/2021 11:24 PM
3	Having trouble with 4 floors but 5 will seem very out of place. The projections, canopies and railing on the small balconies are all too much the same. This would look better with more varied pieces and perhaps color. Also there is choice about location and parking but it is not mentioned in the description.	8/28/2021 2:47 PM
4	seems antiseptic. i.m not fooled by the faux set backs.	8/27/2021 10:49 PM
5	Horrible	8/17/2021 9:45 AM
6	Uninspiring and imposing.	8/16/2021 9:45 AM
7	Doesn't fit with the character of Brisbane	8/14/2021 7:35 AM
8	I don't see the difference in any of these. Please build affordable housing for all so we can alleviate the housing crisis!!!	8/13/2021 7:06 PM
9	same as previous answer.	7/28/2021 12:35 PM
10	these small balconies are a joke. the minor projections are not that appealing. the darker colors aren't inviting	7/27/2021 7:12 PM
11	Those fake balconies are atrocious. Let the people sit outside on their balconies and enjoy a drink.	7/26/2021 8:56 AM
12	I find this one very meh.	7/25/2021 10:43 PM
13	Looks bulky	7/25/2021 9:43 AM
14	Still too bland	7/22/2021 7:54 PM
15	Generic and cheap looking comes to mind, (and already said I like some modern), but not his one.	7/22/2021 4:50 PM
16	No parking built into design is a negative.	7/22/2021 4:45 PM
17	Ugly!! Would not fit in Brisbane. Slightly less ugly than the others. Our Main Street sports a lot of art Nuevo.	7/22/2021 6:27 AM
18	Out of scale	7/19/2021 11:06 AM
19	Parking?	7/17/2021 4:22 PM
20	This is looking a bit too Urban for our town IMHO	7/17/2021 10:54 AM
21	Hideous. Unusable balconies. Looks like the outside of a maximum security prison.	7/15/2021 9:42 PM
22	This is a little better for a large building	7/13/2021 9:13 PM
23	Not enough private outdoor space	7/13/2021 6:14 PM
24	Just too impersonal.	7/13/2021 5:19 PM
25	Too large and too close to the street.	7/10/2021 5:43 AM
26	can't see parking & wasn't mentioned -- but that probably means I like it! Also like the canopies/trellises	7/8/2021 9:01 AM
27	Where is the parking?	7/7/2021 9:05 PM

28	*I do not want mixed-use structures taller than 3 stories. *Is it ADA compliant? It should be. *Is there sufficient street parking? There should be. *Are there solar panels on the rooftops? There should be.	7/7/2021 8:44 PM
29	Again not a darn thing is good about this design.	7/7/2021 8:01 PM
30	Again, ugly contemporary monstrosity	7/7/2021 10:40 AM
31	Too tall	7/3/2021 7:09 AM
32	Too large	7/2/2021 7:23 PM
33	This is the perfect example of cookie cutter stucco nightmares with the "bad hair day" metal grates on the top corner and a splatter of metal grates over upper windows. There's some articulation but mostly expanses of blank stucco that will look like hell in 10 years or less. Ground level retail is just large windows with no imagination. I think developers must be getting these designs out of catalogs where they can buy the plans real cheap!	7/2/2021 12:35 PM
34	Should avoid at all costs - too dense, too commercial. Does not fit Brisbane	7/1/2021 3:35 PM
35	Same as previous 2.	7/1/2021 3:13 PM

SINGLE-FAMILY HOMES ON RIDGELINES (Questions 30-31)

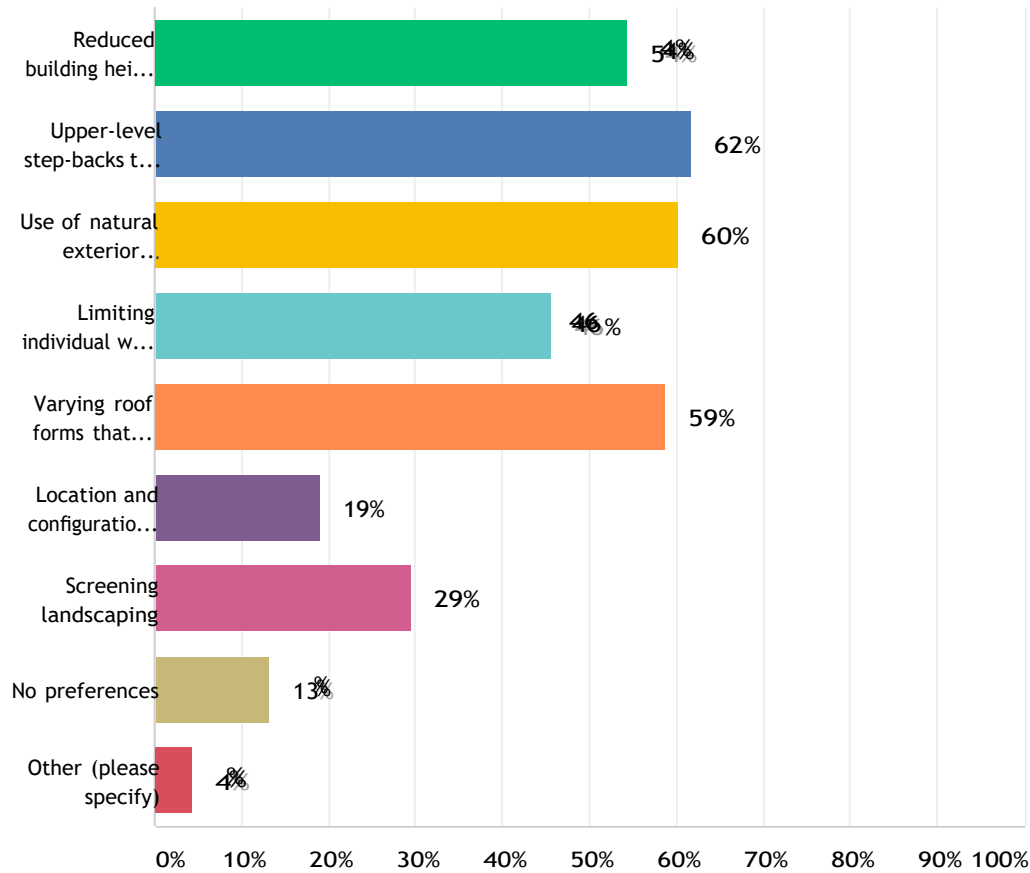
San Bruno Mountain defines Central Brisbane's layout and the character of built structures along its lower flanks. Recognizing the importance of maintaining public views of the mountain, the Brisbane Acres- Residential (R-BA) zoning district requires Design Permit approval for new single-family homes that are located on mapped ridgelines coming down from the mountain. These ridgelines are shown in a map in the City's zoning ordinance.



This image shows an approved design for a 3-unit dwelling on a hillside lot in Brisbane. The design features organic rooflines that mimic the topography of the lot, upper-level step-backs, natural exterior materials and colors, and limited building segment heights to no more than two-stories.

Q30 What design elements do you find appealing? Check all that apply.

Answered: 68 Skipped: 37



#	OTHER (PLEASE SPECIFY)	DATE
1	Very interesting and beautiful. I like the natural colors, very adobe-esque.	9/1/2021 12:03 PM
2	I don't see parking in the rendering, unless it is the front off-street apron. If so, that is far from adequate for a tri-plex.	7/22/2021 5:02 PM
3	*Roof sculpting looks nice, though it may lead to pooling of water.	7/7/2021 8:48 PM

Q31 Please tell us what else you do or do not like about this development.

Answered: 25 Skipped: 80

#	RESPONSES	DATE
1	Beautiful design that mimics topography of mountain. Would like more landscaping.	8/30/2021 11:25 PM
2	It is creative and flowing. I would hate to have to use those stairs.	8/28/2021 2:49 PM
3	With 3 units, each unit will only have 1 car? Don't think so. Therefore they will park in front of somebody else's house and piss em off	8/17/2021 9:49 AM
4	Good design. Well thought out. Low visual impact. Attention to the surrounding topography.	8/16/2021 9:51 AM
5	I don't see the difference in any of these. Please build affordable housing for all so we can alleviate the housing crisis!!!	8/13/2021 7:06 PM
6	takes away from street parking since now there is a driveway	7/28/2021 12:37 PM
7	don't like the curved rooftop that follows topography	7/27/2021 7:14 PM
8	This is cool. I can't tell if the two telephone poles are symbolic of trees or actual telephone poles... I don't see much room left over for any landscaping, and tree coverage would help cool the home and neighborhood.	7/26/2021 9:01 AM
9	Following ridge line topography is mandatory for the roof building height. Using natural colors and building materials is very important.	7/25/2021 9:46 AM
10	As someone with a stroller, these stairs would be impossible and dangerous for kiddos. But love the organic flowy design, esp if could be more accessible.	7/22/2021 7:55 PM
11	Again, neat modern looking place, but feel some important aspects may have been ignored/bypassed.	7/22/2021 5:02 PM
12	Not sure where parking for 3 units is on that image? Also, what "screening landscaping"?	7/22/2021 4:47 PM
13	This is a nice building but it takes up the whole lot. There is no landscaping or greenscape to absorb rainwater, everything is paved.	7/15/2021 9:44 PM
14	I don't like the roof line. With all the problems on the ridge with break ins I think it's important to have new construction homes with large windows in the front of the house as to see the street and hopefully avoid areas where homes don't have street visibility	7/13/2021 9:18 PM
15	Too big and sprawling. Not enough space left for landscaping	7/10/2021 5:45 AM
16	I don't want any more mountain development	7/8/2021 4:55 PM
17	very attractive design!	7/8/2021 9:03 AM
18	*There should be a garage, and it's not clear this structure has one. *There is a hazard to removing enormous amounts of soil from the mountain to build - less soil means that less water can be absorbed into the ground during heavy rainfall, increasing the likelihood of flooding.	7/7/2021 8:48 PM
19	It's ok but not my to my taste.	7/7/2021 8:03 PM
20	Doesn't look like it has a garage, parking is difficult!	7/7/2021 10:42 AM
21	Not enough setback	7/3/2021 7:10 AM
22	Looks exciting and innovative.	7/2/2021 10:30 PM
23	The ground level garages (assuming that's what the blank wall is) are a bit ugly, but the lightness of the upper levels punctuated by a proliferation of windows of different sizes and shapes breaks up the mass of the structure. The sloping roofline is a one-off and certainly would be a landmark, but I would not want to see a proliferation of this.	7/2/2021 12:39 PM
24	Now you're talking - this is great design, more fitting for Brisbane	7/1/2021 3:36 PM
25	1, Where's the parking? It looks to be on street-no, no, no, no, no. 2. Please do not start stuffing multifamily units into single family communities.	7/1/2021 3:20 PM

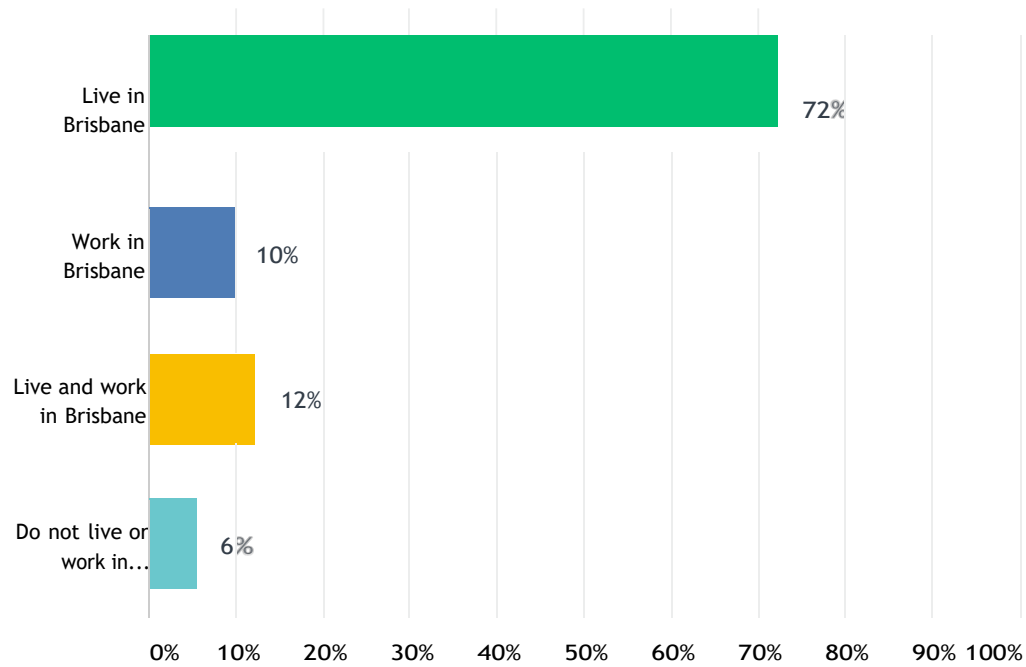
Q32 Please submit your email below to be added to our project update mailing list!

Answered: 26 Skipped: 79\

[NOTE: The 28 email addresses provided on this form were added to the City's project mailing list. The individual email addresses have been removed from published survey results]

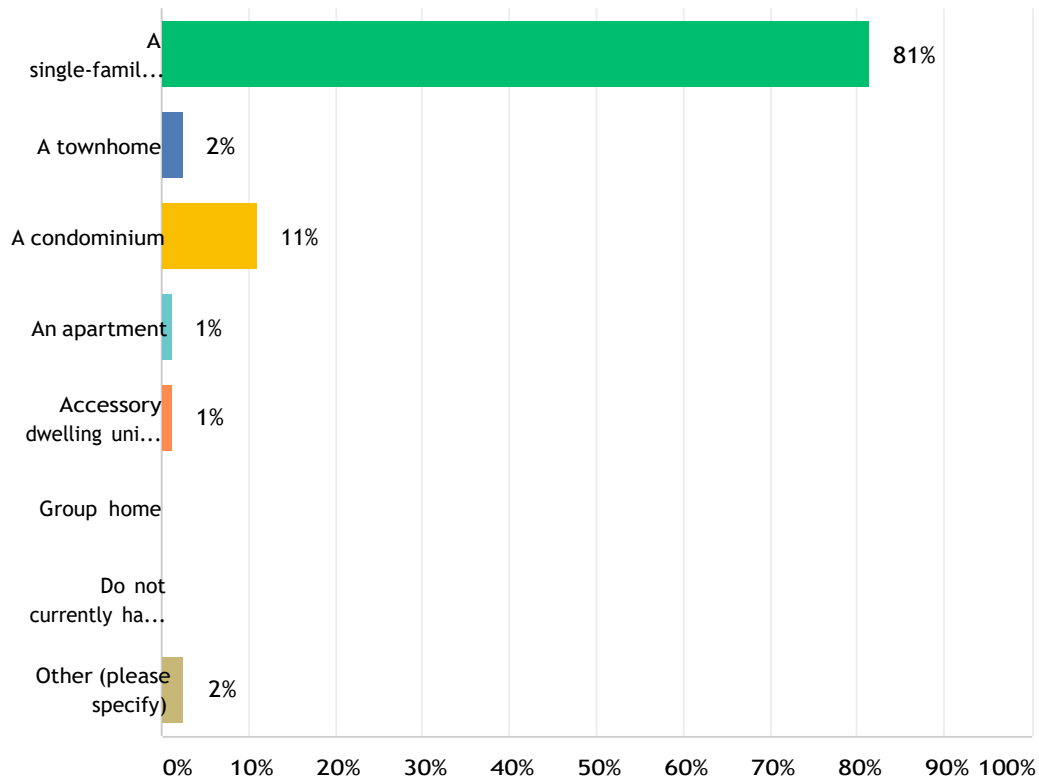
Q1 Currently, do you

Answered: 105 Skipped: 0



Q2 What type of home do you live in?

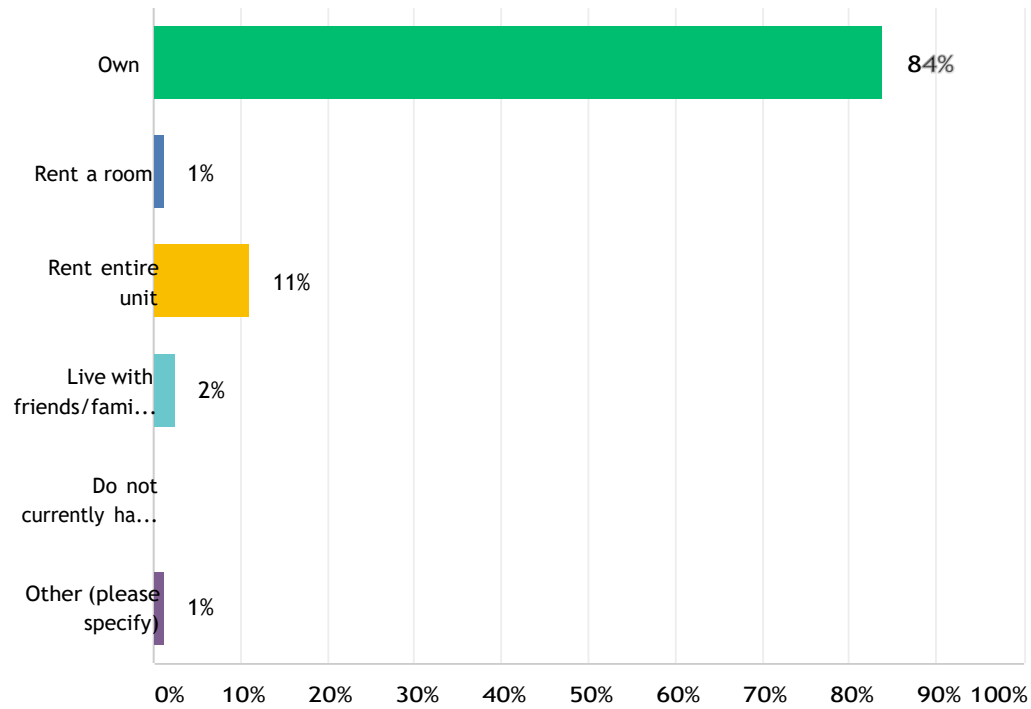
Answered: 81 Skipped: 24



#	OTHER (PLEASE SPECIFY)	DATE
1	duplex	7/23/2021 9:40 PM
2	Set of flats.	7/7/2021 7:30 PM

Q3 In your current home, do you

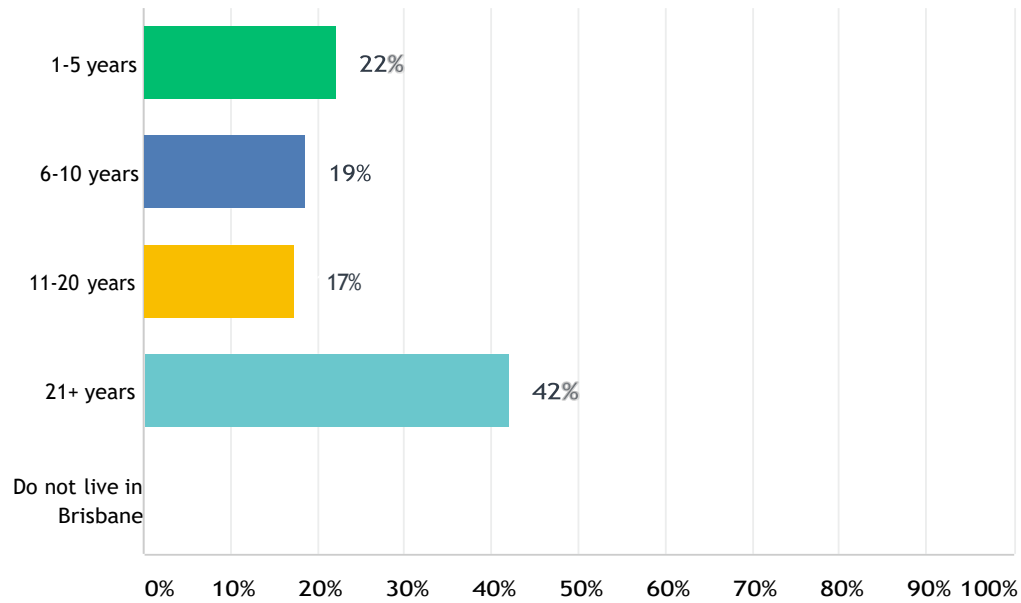
Answered: 81 Skipped: 24



#	OTHER (PLEASE SPECIFY)	DATE
1	own and rent a space in the mobile home park	7/15/2021 9:00 PM

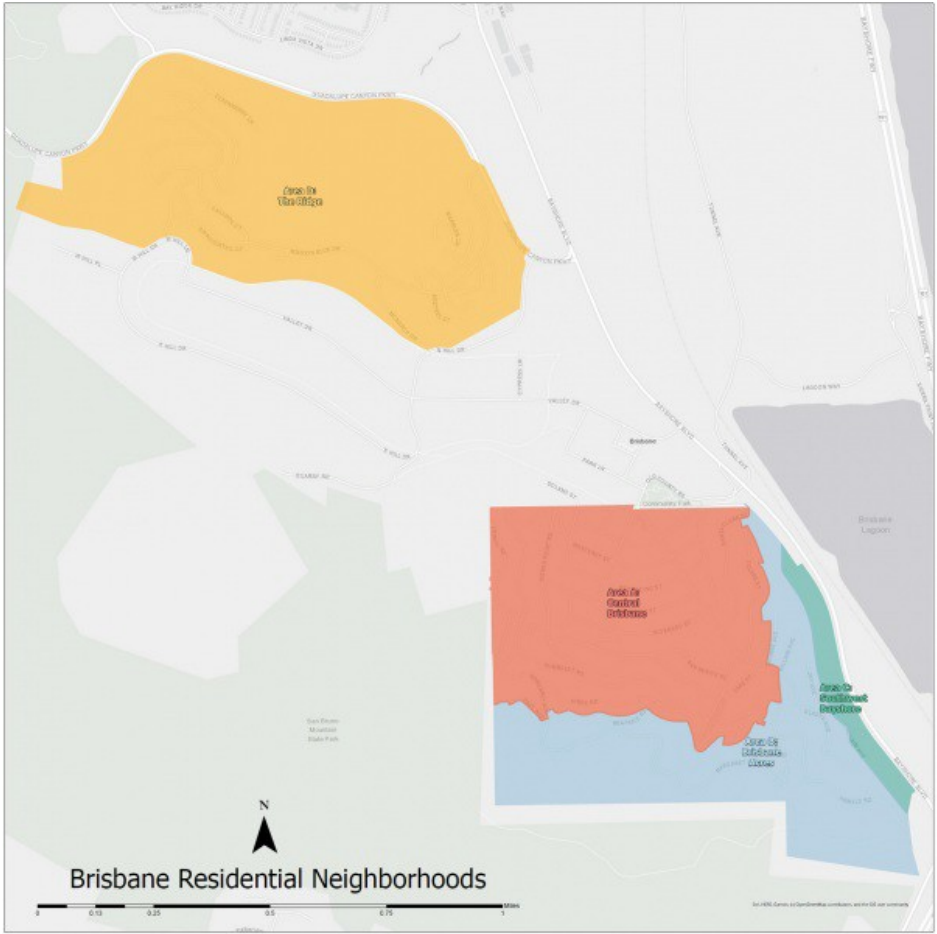
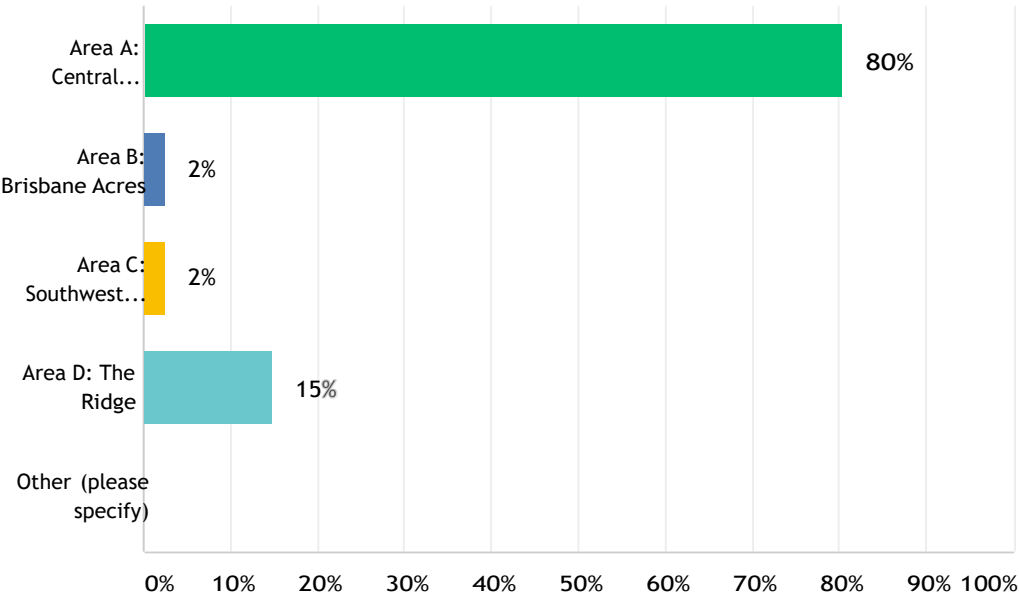
Q4 How long have you lived in Brisbane?

Answered: 81 Skipped: 24



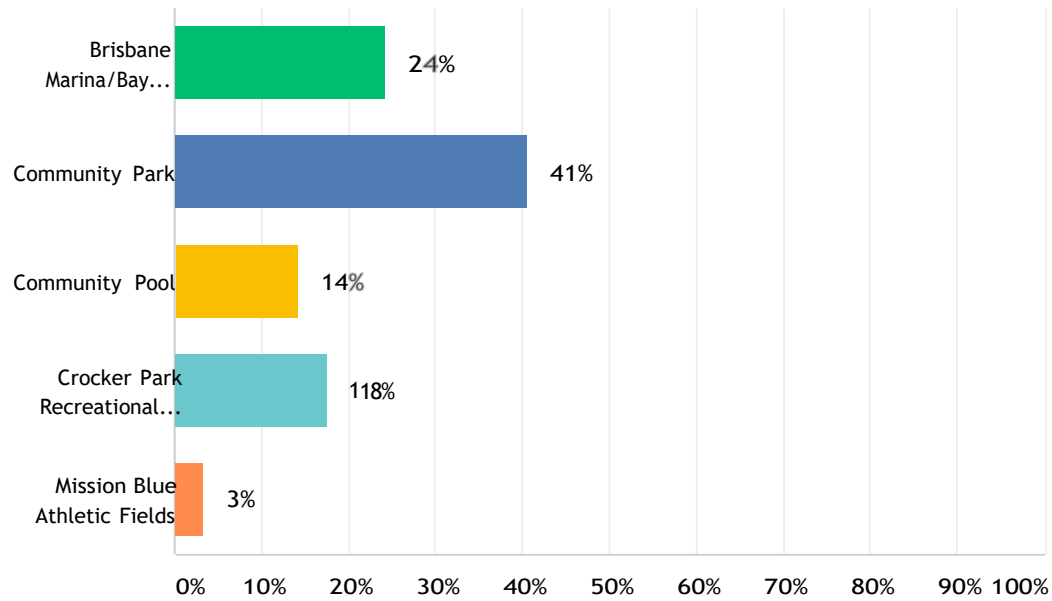
Q5 Referring to the map shown above, what area of the City do you live in?

Answered: 81 Skipped: 24



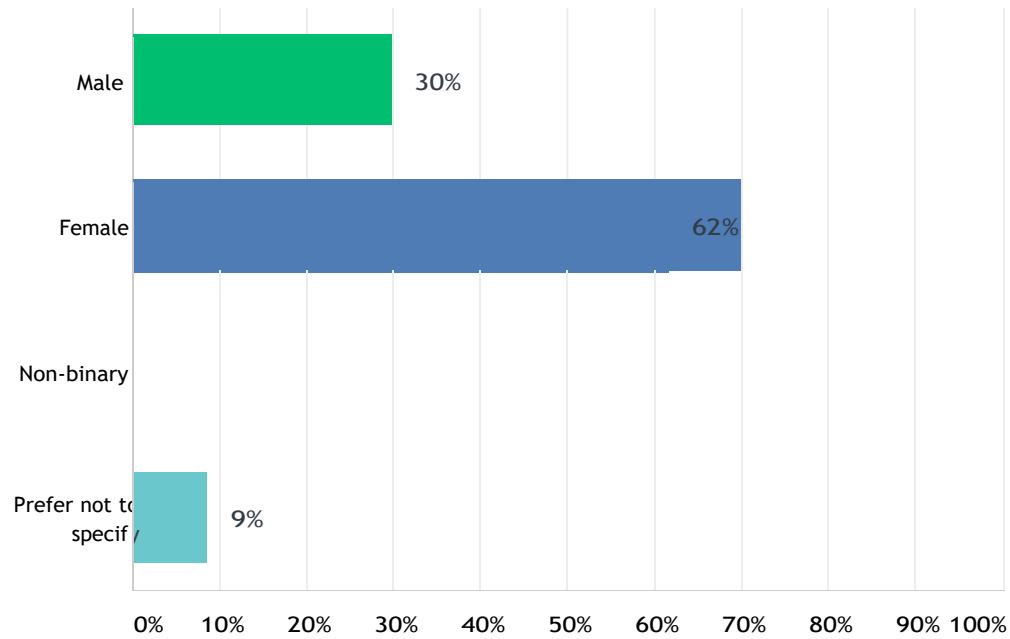
Q6 What is your favorite community amenity in the City?

Answered: 91 Skipped: 14



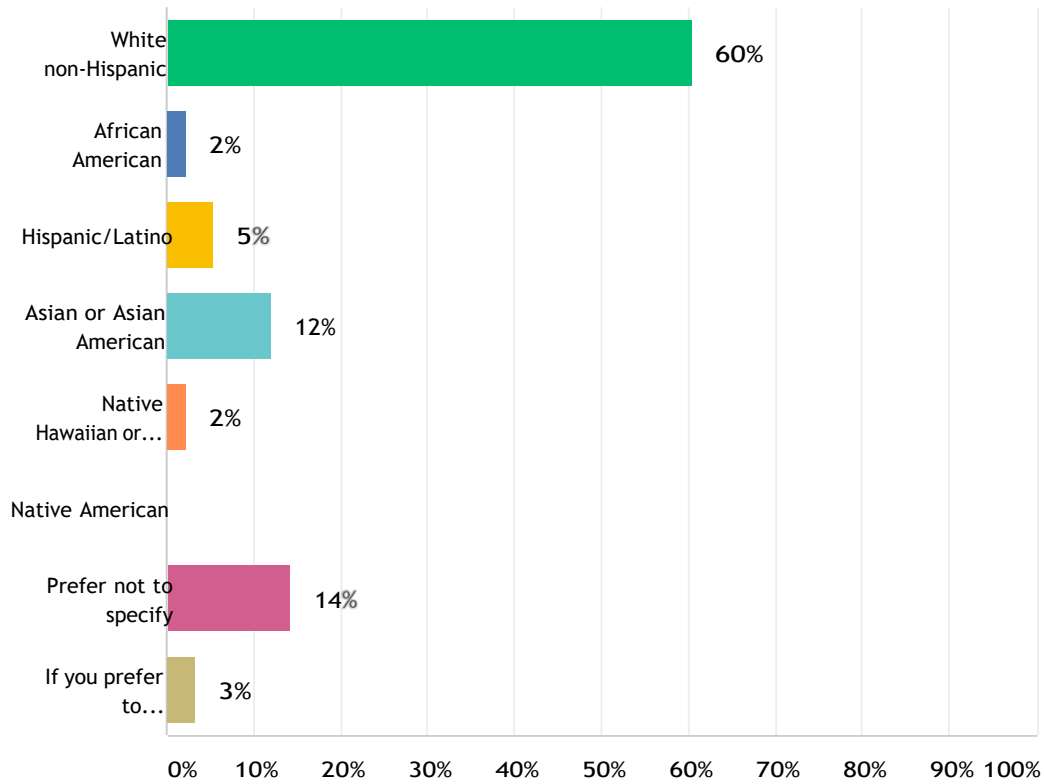
Q7 If you feel comfortable, please indicate your gender.

Answered: 94 Skipped: 11



Q8 If you feel comfortable, please share how you identify yourself.

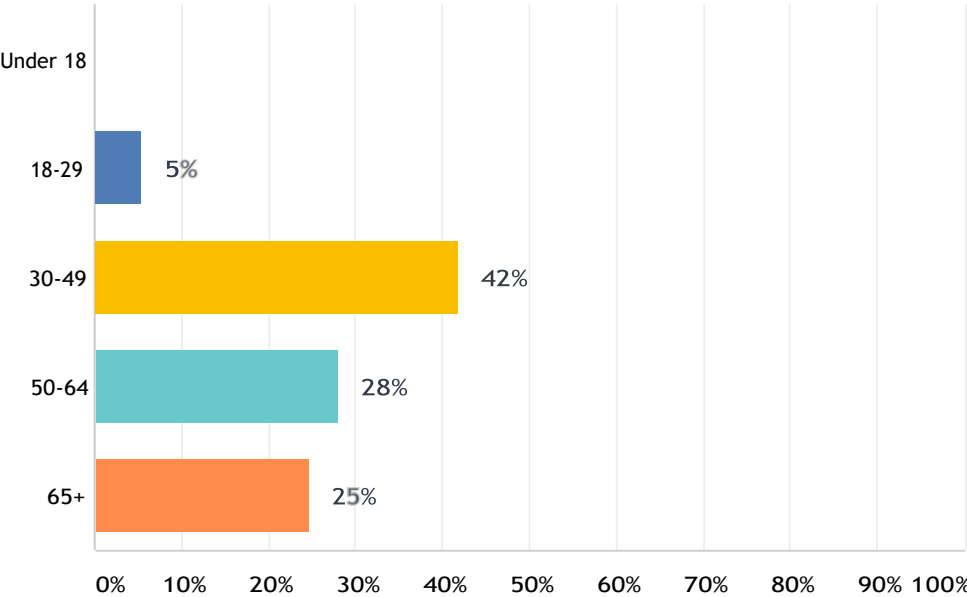
Answered: 91 Skipped: 14



#	IF YOU PREFER TO SELF-IDENTIFY, DO SO HERE:	DATE
1	Earthling	8/16/2021 8:36 AM
2	Asian/White	7/9/2021 7:06 PM
3	American	7/7/2021 7:30 PM

Q9 What is your age group?

Answered: 93 Skipped: 12



Objective Standards Pop-up Open Houses: Results

October 11, 2021

The results of two pop-up open houses conducted by the City of Brisbane, and its consultants Good City Company during August of 2021 are presented here. A staffed pop-up open house was held at the August 12, 2021 Farmers Market. Approximately 35 community members indicated their preferences to a board activity, and staff and consultants spoke with additional community members. A second pop-up open house was unstaffed and included a self-directed board-based activity on boards left in up in the Brisbane Library between August 16th-31st. Approximately five community members indicated their preferences to the self-directed board-based activity. An accompanying memo provides discussion of key results and additional context.

Farmers Market Pop-up Open House (August 12, 2021):

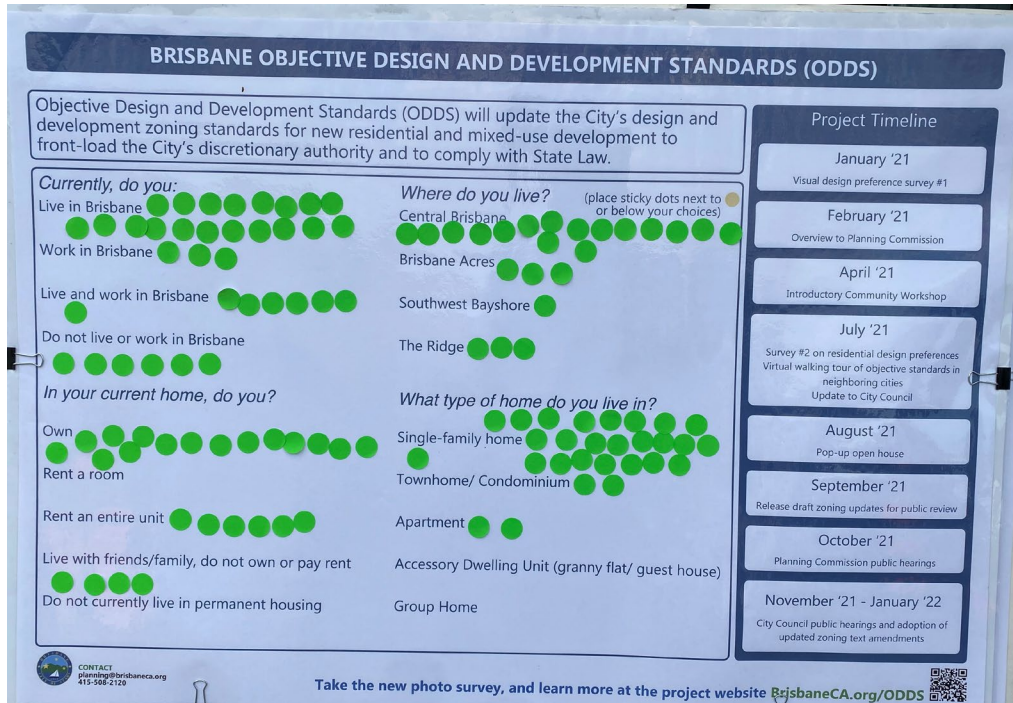


Figure 1: Farmers Market Pop-up Open House Results (Board 1)

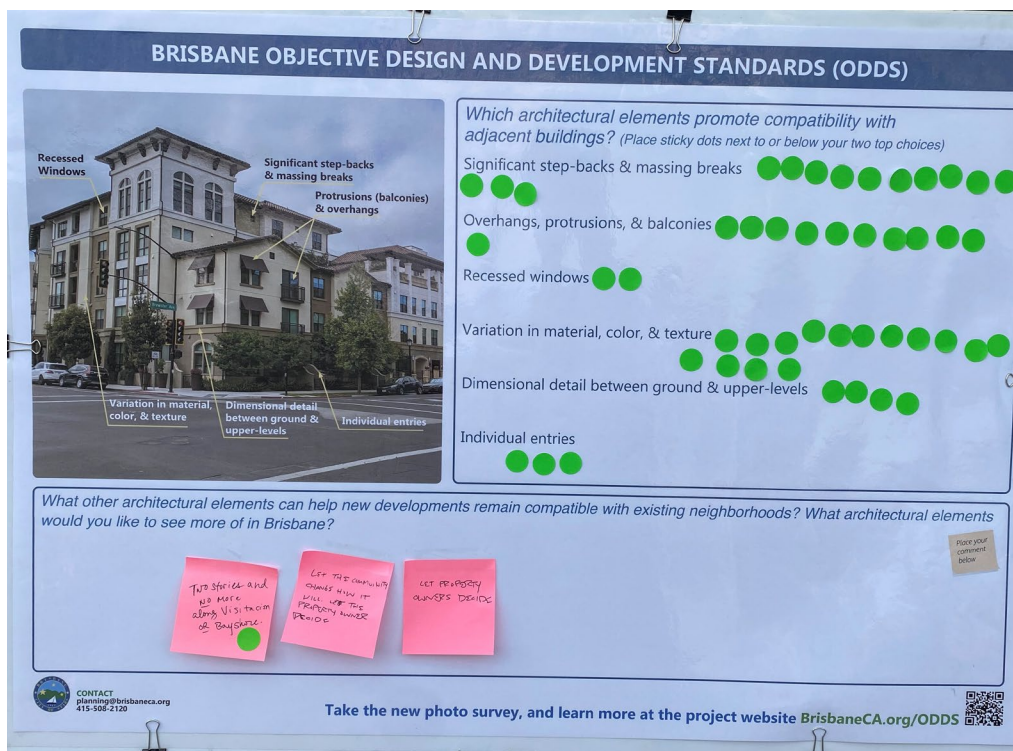



Figure 2: Farmers Market Pop-up Open House Results (Board 2)

Farmers Market Pop-up Open House (August 12, 2021):

BRISBANE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS (ODDS)



Which architectural elements minimize the visual impact and massing of a building? (Place sticky dots next to or below your two top choices)

Upper-level step-backs ●●●●●●●●●●

Pedestrian awning & lighting ●●●●

Usable outdoor space along street ●●●●●●●●●●●●●●●●●●

Protrusions & voids ●●●●

Variation in material, color & texture ●●●●●●●●●●●●●●●●●●

Generous storefront glazing ●●●●●●●●●●●●●●●●●●

What other architectural elements can reduce the visual impact of a building's massing from the street? What architectural elements would you like to see more of in Brisbane?

Place your comment below

CONTACT
planning@brisbaneqa.org
415-508-2120

Take the new photo survey, and learn more at the project website BrisbaneCA.org/ODDS

Figure 3: Farmers Market Pop-up Open House Results (Board 3)

BRISBANE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS (ODDS)

We want to hear from you! Please share thoughts, comments, or questions related to the ODDS project process or timeline.

Place your comment below

built in flower boxes?

Combo of both designs... No tract look!

More trees and green side walls - avoid build on the side - more green in the city

allow for side lighting too inside light during sleeping

Significant landscaping elements - No concrete jungle x

minimize lights at night!!

Reduce off street parking

Preserve green spaces, pedestrian walking + recreation in the area

More affordable options / parking spaces for single family home - parking too expensive to build - no parking

More room for bikes should be built to be near bike lanes and more secure and safe and active use of space

CONTACT
planning@brisbaneqa.org
415-508-2120

Take the new photo survey, and learn more at the project website BrisbaneCA.org/ODDS

Figure 4: Farmers Market Pop-up Open House Results (Board 4)

Library Pop-up Open House (August 16-31, 2021):

BRISBANE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS (ODDS)

Objective Design and Development Standards (ODDS) will update the City's design and development zoning standards for new residential and mixed-use development to front-load the City's discretionary authority and to comply with State Law.

Currently, do you:

Live in Brisbane ☒ ☒ ☒

Work in Brisbane ☒ ☒

Live and work in Brisbane

Do not live or work in Brisbane

In your current home, do you?

Own ☒ ☒

Rent a room

Rent an entire unit ☒

Live with friends/family, do not own or pay rent

Do not currently live in permanent housing

Where do you live? (place sticky dots next to or below your choices)

Central Brisbane ☒ ☒

Brisbane Acres

Southwest Bayshore

The Ridge ☒

What type of home do you live in?

Single-family home ☒ ☒

Townhome/ Condominium ☒

Apartment ☒

Accessory Dwelling Unit (granny flat/ guest house)

Group Home

Project Timeline

January '21
Visual design preference survey #1

February '21
Overview to Planning Commission

April '21
Introductory Community Workshop

July '21
Survey #2 on residential design preferences
Virtual walking tour of objective standards in neighboring cities
Update to City Council

August '21
Pop-up open house

September '21
Release draft zoning updates for public review

October '21
Planning Commission public hearings

November '21 - January '22
City Council public hearings and adoption of updated zoning text amendments

CONTACT: planning@brisbane.qld.gov.au
415-508-2129

Take the new photo survey, and learn more at the project website BrisbaneCA.org/ODDS

BRISBANE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS (ODDS)

We want to hear from you! Please share thoughts, comments, or questions related to the ODDS project process or timeline.

Encourage mixed use (res. with retail) ☒ ☒ ☒ ☒

Encourage modern, green systems ☒ ☒ ☒ ☒

More affordable housing options / less single family home zoning. Too expensive to rent or buy here.

CONTACT: planning@brisbane.qld.gov.au
415-508-2129

Take the new photo survey, and learn more at the project website BrisbaneCA.org/ODDS

Figure 5: Farmers Market Pop-up Open House Results (Board 1)

Library Pop-up Open House (August 16-31, 2021):

BRISBANE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS (ODDS)

Which architectural elements promote compatibility with adjacent buildings? (Place sticky dots next to or below your two top choices)

Significant step-backs & massing breaks

Overhangs, protrusions, & balconies ● ●

Recessed windows

Variation in material, color, & texture ●

Dimensional detail between ground & upper-levels ● ●

Individual entries ● ●

What other architectural elements can help new developments remain compatible with existing neighborhoods? What architectural elements would you like to see more of in Brisbane?

CONTACT
planning@brisbaneca.org
415-506-2120

Take the new photo survey, and learn more at the project website BrisbaneCA.org/ODDS

BRISBANE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS (ODDS)

Which architectural elements minimize the visual impact and massing of a building? (Place sticky dots next to or below your two top choices)

Upper-level step-backs

Pedestrian awning & lighting

Usable outdoor space along street ● ●

Protrusions & voids ●

Variation in material, color & texture ● ●

Generous storefront glazing

What other architectural elements can reduce the visual impact of a building's massing from the street? What architectural elements would you like to see more of in Brisbane?

Preserve green spaces, pedestrian walking + recreation in the mix

CONTACT
planning@brisbaneca.org
415-506-2120

Take the new photo survey, and learn more at the project website BrisbaneCA.org/ODDS

Figure 6: Farmers Market Pop-up Open House Results (Board 2)



CITY OF BRISBANE
Community Development Department
50 Park Place
Brisbane, California 94005-1310

Supplemental Housing Development Design Guidelines

These Supplemental Housing Development Design Guidelines shall be used in tandem with the Chapter 17.45 (Housing Development Permits) of the Brisbane Municipal Code as a supplement to the objective standards described in 17.45.030 of that chapter.

A. Materials

1. Window materials.

- a. The exterior use of stucco covered foam as trim is discouraged.

2. Roof materials.

- a. Roof materials shall be appropriate to the style of the building, roof form, and slope.
- b. Allowable roofing materials include terra cotta, tile, slate, metal, and composition shingles with an architectural grade shadow shake rather than a simple three-tab.
- c. Highly reflective surfaces that create glare, illuminated roofing, and corrugated metal (standing rib metal roofs are permitted) are discouraged unless the Director or designee determines the material is appropriate for the architectural style or theme of the building.
- d. Any sheet metal used in roof assembly that is publicly visible shall be constructed of copper, stainless steel, aluminum, or metal painted to match the exterior of the building.
- e. Downspouts, rain gutters, and leaderheads shall be concealed within wall or roof construction or, if exposed, shall be constructed of copper, stainless steel, aluminum, or metal painted to match the exterior of the building. Plastic materials and unpainted galvanized metal are strongly discouraged.

3. Building Materials.

- a. Permitted materials: Wood, stone, brick, cement fiber board, stucco, concrete.
- b. Discouraged materials: Aluminum siding, vinyl siding, scored plywood, and materials that are visibly simulated (e.g. Formliner or painted concrete applications that simulate the appearance of brick or wood).
- c. Mold resistant finishes and stucco with integral pigmentation should be used as appropriate

B. Lighting. Lighting shall be provided in compliance with the following:

1. All exterior lighting should be dark sky compliant, and designed, located and lamped in order to prevent overlighting, energy waste, glare, and light trespass.
2. Bollard lighting may be used to light walkways and other landscape features, but shall cast its light downward.
3. Internally illuminated fascia, wall, roof, awning or other building parts are discouraged.
4. All nonessential exterior lighting associated with non-residential uses shall be turned off within ½ hour after the close of business or when the non-residential use is not in use.

BRISBANE PLANNING COMMISSION
Action Minutes of October 28, 2021
Virtual Regular Meeting

CALL TO ORDER

Chairperson Gooding called the meeting to order at approximately 7:35 p.m.

ROLL CALL

Present: Commissioners Funke, Gooding, Gomez, Patel, and Sayasane
Absent: None
Staff Present: Director Swiecki, Senior Planner Johnson, Contract Senior Planner Kelly Beggs,
and Associate Planner Robbins

ADOPTION OF AGENDA

Commissioner Funke moved to adopt the agenda. Commissioner Sayasane seconded the motion and it was approved 5-0.

CONSENT CALENDAR

Commissioner Patel moved to adopt the consent calendar (agenda item A). Commissioner Gomez seconded the motion and it was approved 5-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Gooding acknowledge two letters were received pertaining to agenda item C.

NEW BUSINESS

- B. PUBLIC HEARING: 3435 Bayshore Blvd; Interim Use Permit 2021-UP-5; C-1 Commercial Mixed Use (Baylands);** Proposed Interim Use Permit to establish a non-commercial tree nursery on approximately 3.5 acres of vacant land adjacent to the existing Mission Plant Nursery for a term not to exceed 5 years. Eric Aronsohn, applicant; Tuntex USA Inc. (Baylands Development Inc.), owner.

Senior Planner Johnson gave the staff presentation and answered questions from the Commission regarding the proposed nursery's water usage and its relationship to the adjacent and existing Mission Blue Nursery.

Brisbane Planning Commission Minutes
October 28, 2021
Page 2

Chairperson Gooding opened the public hearing.

Eric Aronsohn, applicant, addresses the Commission and answered question about leveraging resources from Mission Blue Nursery, the types of trees expected to be grown at the nursery, and the timing of growing trees for the Baylands at the proposed location.

Barbara Ebel, Brisbane resident, spoke in favor of the project but raised concerns about the project's water usage.

Michele Salmon, Brisbane resident, spoke in favor of the project but raised concerns about nearby seasonal wetlands and invasive flora onsite.

Mary Rogers, Brisbane resident, raised concerns about lighting and potential benefits to Brisbane residents, if any.

Jason Nunan, spoke in favor or the project but raised concerns about non-native tree species being grown at the nursery.

With no others wishing to address the Commission, Commissioner Patel moved to close the public hearing. Commissioner Funke seconded the motion and it was approved 5-0.

After deliberation, Commissioner Funke moved to approve the application via adoption of 2021-UP-5 with an additional condition that prior to the applicant commencing operations, the limits of the seasonal wetlands shall be verified by a qualified biologist to ensure the interim use does not encroach upon the wetlands. Commissioner Gomez seconded the motion and it was approved 5-0.

C. PUBLIC HEARING: 600 Tunnel Avenue; Interim Use Permit 2021-UP-3; C-1 Commercial Mixed Use (Baylands); Proposed Interim Use Permit for the continued staging of up to 90 Google commuter buses on an approximately 3-acre site between Tunnel Avenue and the Caltrain rail line to serve Google employees on the peninsula for up to a 5-year term. Sam Khodja, applicant; Oyster Point Properties, Inc. (Baylands Development Inc.), owner.

Senior Planner Johnson informed the Commission that the applicant has requested to continue this item to the next scheduled meeting to discuss proposed conditions of approvals with staff.

Director Swiecki added that while the applicant's current interim use permit will expire before the next meeting, the use may continue until the Planning Commission acts on this item and they will be subject to the boundaries and conditions under the existing interim use permit.

Chairperson Gooding opened the public hearing.

Mary Rogers, Brisbane resident, spoke against the project.

Michele Salmon, Brisbane resident, spoke against the project.

Kim Follien, Brisbane resident, spoke in favor of the project provided the lot is paved and lighting is properly shielded.

Barbara Ebel, Brisbane resident, spoke in favor of the project provided the applicant follow through on mitigating dust and glare and provide the route and trip data per the new recommended conditions of approval.

Chairperson Gooding closed the public hearing and Commissioner Funke moved to continue the application to the next Planning Commission meeting of November 16, 2021. Commissioner Gomez seconded the motion and it was approved 5-0.

D. PUBLIC HEARING: Zoning Text Amendment 2021-RZ-2; Various zoning districts; Zoning text amendments to Title 17 of the Brisbane Municipal Code to City of Brisbane to establish objective design and development standards for housing development projects; establish residential density requirements for the NCRO-2 Zoning District; allow multiple family dwellings in the SCRO-1 District by right and multiple family dwellings as part of a mixed use in the NCRO-2 Zoning District by right; reduce guest parking requirements; and establish procedures and requirements for an administrative Housing Development Permit for qualifying housing development projects. City of Brisbane, applicant; Citywide.

Director Swiecki introduced Contract Senior Planner Beggs.

Contract Senior Planner Beggs and project consultants Aaron Akin and Nicholas Hamilton of Good City gave the staff presentation and answered questions about the criteria for certain development regulations, including step-backs, which zoning districts are impacted by the proposed amendments, the timing of approval required by the State, and if additional visualization and/or simulation materials of the proposed amendments could be provided.

The Commission asked staff and the consultants to further explain the proposed reduction in guest parking, including how the proposed standard was determined and whether the Housing and Community Development (HCD) would permit Brisbane to retain its current and more stringent standard.

Director Swiecki explained the State views parking as a constraint on housing availability and is regulating municipalities to reduce governmental constraints. Mr. Akin further indicated that HCD's review will include ensuring the feasibility of the proposed amendments are not financially burdensome, i.e., a limiting factor to the construction of housing, and leaving the guest parking standard unchanged may necessitate a subsequent change in the future.

Commissioners Funke and Gooding requested clarification on the approval process for new mixed-use and multifamily projects and the role of the Zoning Administrator. Director Swiecki informed the Commission that without any discretionary standards, the Zoning Administrator's role is to

Brisbane Planning Commission Minutes
October 28, 2021
Page 4

confirm compliance with all applicable objective standards and listen to any comments raised by the community. He assured the Commission that new projects would still be noticed to adjacent parcels and comments or concerns raised by the public can be presented at a Zoning Administrator public hearing.

Chairperson Gooding opened the public hearing.

Barbara Ebel, Brisbane resident, spoke about making a compromise on the proposed guest parking reduction. She also requested staff highlight what proposed amendments are discretionary, what issues are not, and what changes are required by the State.

Michele Salmon, Brisbane resident, spoke against the project.

Commissioner Funke moved to continue the public hearing and application to the next Planning Commission meeting of November 16, 2021. Commissioner Gomez seconded the motion and it was approved 5-0.

ITEMS INITIATED BY STAFF

Associate Planner Robbins advertised an upcoming ADU webinar hosted by Second Unit Resources Center.

Senior Planner Johnson advertised 21 Element's third workshop on "Housing in a Climate of Change."

ITEMS INITIATED BY THE COMMISSION

There were none.

ADJOURNMENT

With the cancellation of the November 11, 2021 meeting, Chairperson Gooding declared the meeting adjourned to the next special meeting of November 16, 2021. The meeting adjourned at approximately 10:05 p.m.

Attest:



John A. Swiecki, Community Development Director

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

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 11/16/2021

SUBJECT: **Zoning Text Amendment RZ-2-21;** Zoning text amendments to Title 17 of the Brisbane Municipal Code (BMC) to establish objective standards for housing development projects and permit multiple family dwellings in the NCRO-2 and SCRO-1 Zoning Districts by right; City of Brisbane, applicant; Citywide.

SUPPLEMENTAL REPORT

This item was continued from the October 28, 2021, Planning Commission Public Hearing. The Staff Report for the October 28th Hearing is included as Attachment A for context and further information. This supplemental staff report will summarize Planning Commission and public comments from the previous hearing and set forth staff responses.

October 28, 2021 Planning Commission Hearing

On October 28th the Planning Commission considered and continued the item after the staff presentation, questions from Commissioners, and public comment. Issues raised at the hearing are discussed below:

State Law Requirements and Draft Ordinance Scope

Members of the public and commission asked for clarification of the scope of the Draft Ordinance and what regulations are optional versus required by State Law.

State Law does not precisely dictate the objective standards cities will apply to Housing Development projects, but it does specify that only objective standards can be applied. Under the current Ordinance, the objective standards set forth for the NCRO-2 District include lot dimensions, lot coverage, height, setbacks, storefront requirements, and open space requirements. However, these limited objective standards may not promote high-quality design, as shown in Figure 1. As state law prevents the City from applying subjective design permit findings (for example, BMC 17.42.040 (A): “the proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project”), if such an application was submitted, the City would have limited leverage to deny the project without facing legal scrutiny.

Figure 1: NCRO-2 Building Design Under Current Objective Standards

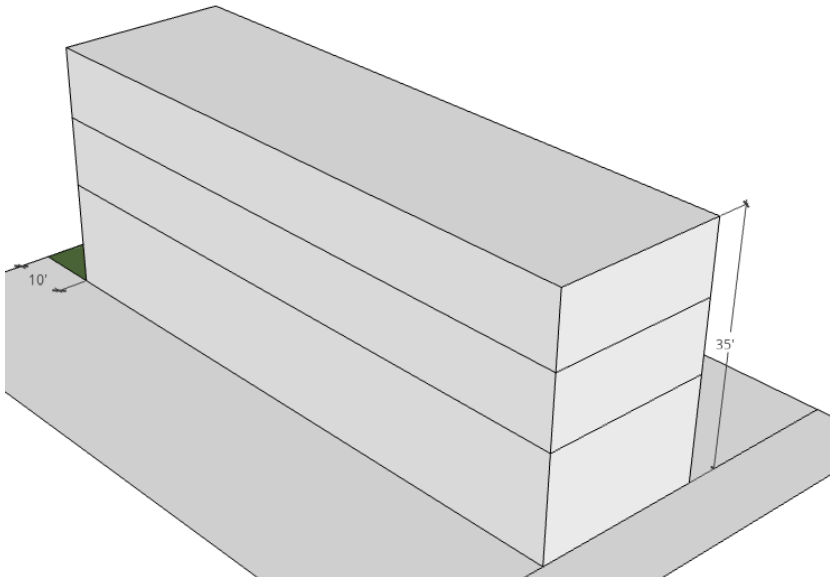
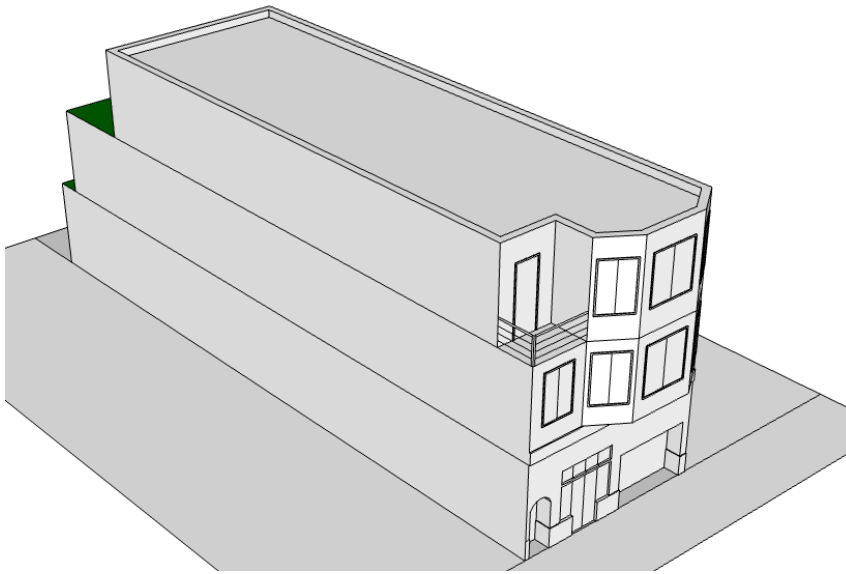


Figure 2: NCRO-2 Building Design Under Proposed Objective Standards



By adopting the Draft Ordinance and objective standards within, the City would have the ability to exercise greater control over the design of Housing Development Projects in addition to currently defined objective standards. As illustrated above in Figure 2, the Draft Ordinance would add objective standards and regulations to control site design, massing, materials, and articulation of a building.

New requirements include:

- Second and third-story rear stepbacks for projects adjacent to lower density residential zones to promote a context-sensitive transition from lower to higher density sites
- Third story front stepbacks to provide visual relief and articulation from a pedestrian perspective
- Articulation requirements to add visual interest and massing breaks to project design

- Ground floor height and transparency requirements for mixed-use projects to promote an active pedestrian streetscape
- Parking design requirements to minimize the appearance and improve the aesthetics of parking garages and areas

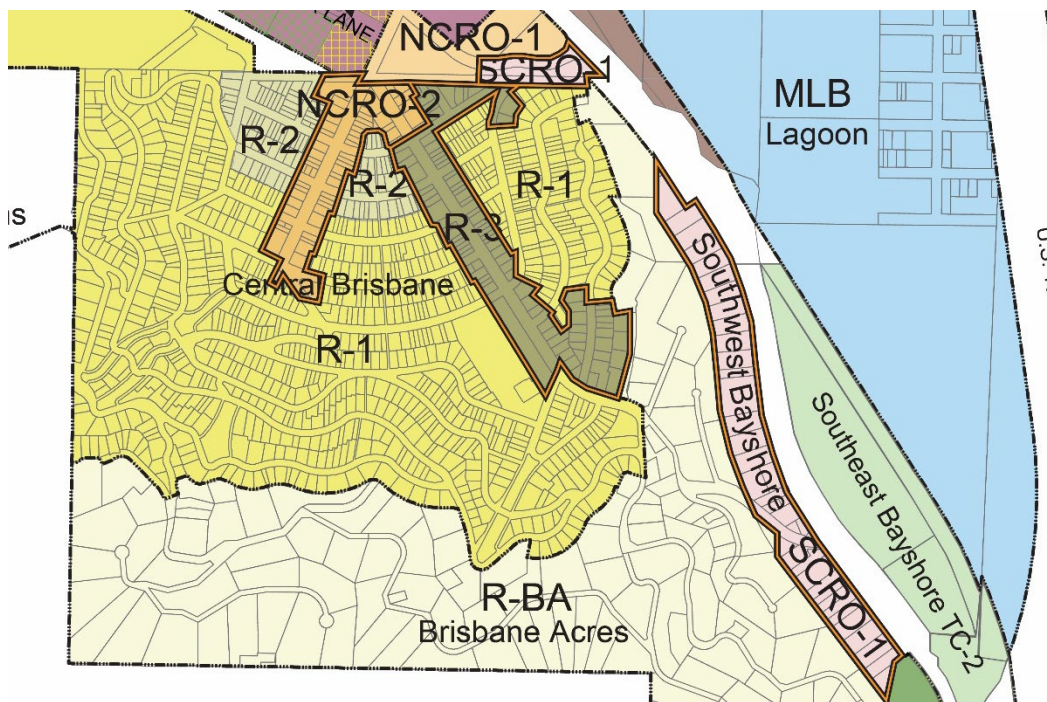
To clarify scope, the Draft Ordinance *would not*:

- Increase height limits
- Increase intensity regulations (such as residential density or Floor Area Ratio) above current approvals and regulations
- Decrease setbacks or stepbacks that control massing, or
- Allow new uses that were not previously conditionally permitted

Housing Development Project Sites

The Planning Commission requested further context on where projects subject to ODDS could be built in the city. The new Housing Development Permit would replace the Design Permit for Housing Development projects, replacing the subjective findings of the design permit with objective standards. The new permit and standards would apply to applicable projects in zoning districts that permit Housing Development Projects, which includes projects with two or more units and mixed-use projects where at least two thirds of floor area is dedicated to residential uses as defined by State Law. Zoning Districts within the City that permit multiple family dwelling units and mixed uses include the SCRO-1 District, the NCRO-2 District, and the R-3 District (outlined in orange in **Figure 3**). Housing Development Permits would be required for applicable multiple-family and mixed-use projects in these Districts. The current Municipal Code does not require Design Permits for duplexes, and with the exception of duplexes within the R-3 District, duplexes would also be exempt from the Housing Development Permit.

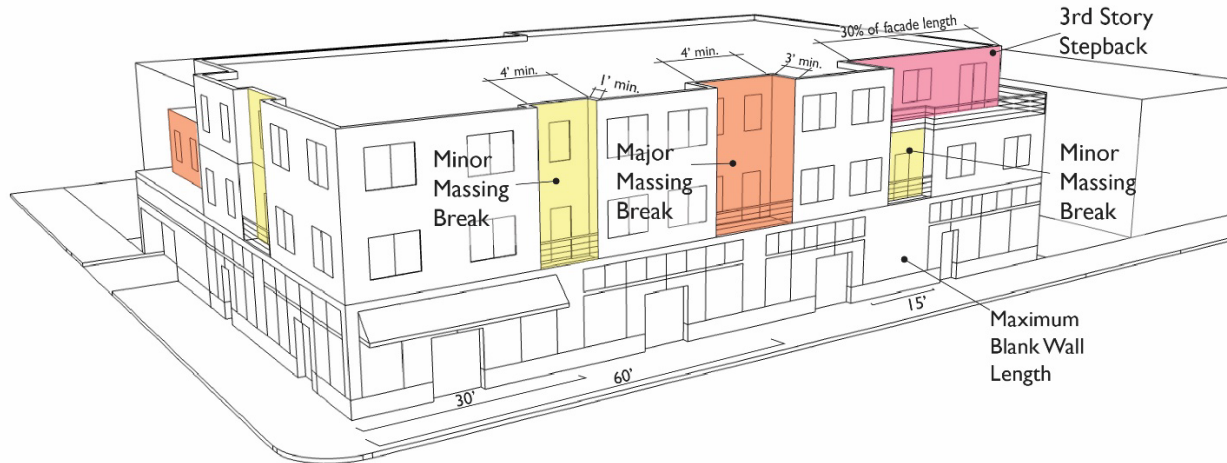
Figure 3: Applicable Zoning Districts



Illustrations prepared for the Draft Ordinance were based on actual lots within the City of Brisbane to show how new standards would apply to potential projects. For example, Figure 2 above is based

on a typical narrow lot (25 in width by 100 feet in depth) along Visitacion Avenue, such as 213 Visitacion Avenue or 18 Visitacion Avenue. Graphics for larger frontages, such as Figure 4 below, would require assembly of approximately 4 narrower lots along Visitacion Avenue.

Figure 4: Illustrative Graphic of Larger Site



Parking

The Planning Commission did not support a reduction in guest parking requirements from 1 space per 5 units to 1 space per 10 units. There was a public comment that the Commission should consider some “middle-ground” reduction in required guest parking. It is up to the discretion of the Commission to make a final recommendation to the City Council on this matter.

Another parking issue for the Commission’s consideration is parking versus storefront area on narrow lots in the NCRO-2 district. As noted in the October 28 staff report, it is infeasible to comply with both parking requirements and minimum required storefront on narrow lots in the NCRO-2 District. Proposed options were to either eliminate the parking requirement or reduce the minimum storefront size. Given the general discussion on limited parking within Brisbane, it appears the Commission’s direction was to recommend reducing the minimum floor area for storefront use for narrow lots in order to provide as much off-street parking as possible. The draft language below is suggested to meet the Commission’s direction: “The minimum floor area for a storefront use for lots of 30 feet in width or less is two hundred and fifty (250) square feet.”

ATTACHMENTS:

- | | |
|--|--------------------------|
| A. October 28, 2021 Staff Report | |
| B. Draft Resolution RZ-1-21 (including draft ordinance) | Attachments not included |
| C. Redline copy of proposed zoning text amendments | |
| D. SB 35 and the Housing Accountability Act, relating to objective standards (hyperlinks) | |
| E. Community Outreach Summary | |
| F. Draft Supplementary Housing Development Design Guidelines | |

Kelly Beggs

Kelly Beggs, Contract Planner

John Swiecki

John Swiecki, Community Development Director

BRISBANE PLANNING COMMISSION
Action Minutes of November 16, 2021
Virtual Special Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Funke, Gooding, Gomez, Patel, and Sayasane
Absent: None
Staff Present: Director Swiecki, Senior Planner Johnson, Contract Senior Planner Kelly Beggs, and Associate Planner Robbins

ADOPTION OF AGENDA

Commissioner Funke moved to adopt the agenda. Commissioner Gomez seconded the motion and it was approved 5-0.

CONSENT CALENDAR

Commissioner Patel moved to adopt the consent calendar (agenda item A). Commissioner Gomez seconded the motion and it was approved 5-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Gooding acknowledge three letters were received pertaining to agenda item C.

OLD BUSINESS

- B. ~~**PUBLIC HEARING. 600 Tunnel Avenue, Interim Use Permit 2021-UP-3, C-1 Commercial Mixed Use (Baylands), Proposed Interim Use Permit for the continued staging of up to 90 Google commuter buses on an approximately 3 acre site between Tunnel Avenue and the Caltrain rail line to serve Google employees on the peninsula for up to a 5 year term. Sam Khodja, applicant; Oyster Point Properties, Inc. (Baylands Development Inc.), owner.**~~

~~*Note. This item was continued from the October 28, 2021 Planning Commission meeting.*~~

~~Senior Planner Johnson gave the presentation and answered questions from the Commission about the original complaints pertaining to fugitive dust and light glare, the timing of modifications made~~

- C. **PUBLIC HEARING: Zoning Text Amendment 2021-RZ-2;** Various zoning districts; Zoning text amendments to Title 17 of the Brisbane Municipal Code to City of Brisbane to establish objective design and development standards for housing development projects; establish residential density requirements for the NCRO-2 Zoning District; allow multiple family dwellings in the SCRO-1 District by right and multiple family dwellings as part of a mixed use in the NCRO-2 Zoning District by right; reduce guest parking requirements; and establish procedures and requirements for an administrative Housing Development Permit for qualifying housing development projects. City of Brisbane, applicant; Citywide.

Note: This item was continued from the October 28, 2021 Planning Commission meeting.

Contract Senior Planner Beggs and project consultants Aaron Aknin and Nicholas Hamilton of Good City gave the staff presentation and clarified the two decision points the Commission must review pertaining to guest parking requirements and storefront floor area, including the distinction between exempting off-street parking when 600 SF of storefront is provided and reducing storefront area to 250 SF (to accommodate the required off-street parking) on narrow lots.

Chairperson Gooding opened the public hearing.

Michele Salmon, Brisbane resident, spoke about the parking issues in Downtown Brisbane and recommended not altering the guest parking requirement and allow smaller storefront floor areas in order to preserve off-street parking requirements. She also had a question about the proposed residential density in the NCRO-2 Downtown Brisbane Neighborhood Commercial District.

Staff clarified that the NCRO-2 District does not currently have a residential density standard; residential uses are a conditionally permitted use and density is set by conditional use permit. The proposed density of 600 SF of lot area per unit - approximately 72 DU/AC - is comparable to past conditional use permit approvals in the NCRO-2 District that ranged between 64 and 87 DU/AC.

With no others wishing to address the Commission, Commissioner Funke moved to close the public hearing. Commissioner Patel seconded the motion and it was approved 5-0.

Director Swiecki informed the Commission that while staff has specifically presented two separate decisions regarding parking and storefront area regulations, the Commission may deliberate and offer recommendations to alter any of the proposed standards and amendments.

After deliberation, Commissioner Funke moved to approve the application via adoption of 2021-UP-3, with the following recommendations on parking:

- No change to the current guest parking regulations (1 space per 5 units); and
- Allow storefront areas of 250 SF on lots less than 30 feet wide, maintaining off-street parking requirements.

Brisbane Planning Commission Minutes
November 16, 2021
Page 4

Following deliberation, Commissioner Funke moved to recommend City Council adoption of the draft ordinance by adopting Resolution 2021-RZ-2. Commissioner Sayasane seconded the motion and it was approved 5-0. Chairperson Gooding read the appeals procedure.

ITEMS INITIATED BY STAFF

Director Swiecki informed the Commission that the Mayor's [State of the City](#) address will be tomorrow, and staff will schedule and provide informational sessions to the Commission early next year regarding a series of State Bills related to housing, such as SB 9, that recently passed.

ITEMS INITIATED BY THE COMMISSION

There were none.

ADJOURNMENT

With the cancellation of the November 25, 2021 and December 9, 2021 meetings, Chairperson Gooding declared the meeting adjourned to the next special meeting of December 16, 2021. The meeting adjourned at approximately 9:35 p.m.

Attest:



John A. Swiecki, Community Development Director

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

RESOLUTION RZ-2-21

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT RZ-2-21
AMENDING REGULATIONS WITHIN TITLE 17 OF THE BRISBANE MUNICIPAL CODE
CONCERNING HOUSING DEVELOPMENT PROJECTS AND STREAMLINED HOUSING
DEVELOPMENT PROJECTS

WHEREAS, the State Legislature finds that the lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California; and

WHEREAS, effective January 1, 2018, Senate Bill 167 (Skinner), amended Section 65589.5 of the Government Code and changed the requirements for local governments relating to objective standards and Housing Development Projects; and

WHEREAS, effective January 1, 2018, Senate Bill 35 (Weiner), amended Sections 65400 and 65582.1 and added and repealed Section 65913.4 of the Government Code, and changed the requirements for local governments relating to objective standards and Streamlined Housing Development Projects; and

WHEREAS, the City's current zoning ordinance regarding housing development projects must be updated to comply with current State law; and

WHEREAS, the draft ordinance attached as Exhibit A to this resolution proposes amendments to Title 17 (Zoning) of the Brisbane Municipal Code in order to comply with current State law regarding Housing Development Projects; and

WHEREAS, on October 28, 2021, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the draft ordinance does not require additional environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15168 and 15183, as the project is consistent with and in the scope of the General Plan EIR and does not trigger the preparation of a subsequent EIR pursuant to CEQA Guidelines Section 15162.

NOW, THEREFORE, based upon the evidence presented, both written and oral, the Planning Commission of the City of Brisbane hereby RECOMMENDS that the City Council adopt the attached ordinance.

AYES: Chairperson Gooding and Commissioners Funke, Gomez, Patel, and Sayasane
NOES: None
ABSENT: None



DOUGLAS GOODING
Chairperson

ATTEST:



JOHN SWIECKI, Community Development Director

File Attachments for Item:**M. Covid-19 Small Business Grant Program**

(It is being recommended to approve the Economic Development Subcommittee recommendation to decrease the 2020 compared to 2019 loss to 15% from 20% in existing program and to allocate funds to businesses that began in 2020 which have a physical location in Brisbane with a signed lease and business license. The fiscal impact to the General Fund will depend on if the City Council will allocate more than the original \$200,000.)



CITY COUNCIL AGENDA REPORT

Meeting Date: 1/20/22

From: Stuart Schillinger, Assistant City Manager

Subject: COVID19 Small Business Grant Assistance Program

Community Goal/Result Economic

Development Purpose

Assist businesses in Brisbane impacted by COVID-19. Additionally, assist restaurants within Brisbane to assist with their ability to provide service to the public.

Recommendation

Approve Economic Development Subcommittee recommendation to decrease the 2020 compared to 2019 loss to 15% from 20% in existing program and to allocate funds to businesses that began in 2020 which have a physical location in Brisbane with a signed lease and business license.

Background

The Federal Government has adopted the Paycheck Protection Act, which was meant to assist small businesses with support during COVID-19 interruptions. The program was administered through the banking system and did not seem to assist all of the businesses that needed help. This was due to a variety of factors including; lack of adequate funding, complicated rules, and distribution of capital throughout the County. The upshot of this was a number of businesses within San Mateo County and possibly Brisbane either did not qualify or apply for funds due to the rules. Additionally, the County of San Mateo put money into the San Mateo Strong Fund to assist restaurants during the COVID-19 emergency.

On May 20, 2021 the City Council allocated \$200,000 to assist small business that were negatively impacted by COVID-19. The criteria was the following:

1. Businesses \$5,000,000 or less
2. Loss of 25% of revenues for a recent 12-month period
3. Business commits to be open after the COVID19 emergency is over
4. Located in Brisbane and having a Brisbane Business License
5. Not a member of the City Council or a paid employee of the City.

The City Council originally authorized up to \$5,000 be provided to each qualifying business. The City used the Chamber of Commerce to administer the grant selection process. After extensive outreach the Chamber received 27 qualifying applications. On November 4, 2021 the City Council increased the grant amount to \$6,000 per business.

City Council also requested the Economic Development Subcommittee to determine criteria for distributing the remaining \$38,000. Council asked the Subcommittee to look at criteria which would allow businesses created in 2020 to be eligible for some grant funds and also to determine if lowering the percentage of loss would be appropriate.

Discussion

On December 2, 2021 the Economic Development Subcommittee discussed the criteria for the remaining \$38,000 and the desire of the City Council to assist businesses with a lower loss than 25% in 2020 and new start-ups in 2020.

The Subcommittee recommends opening up the Small Business Grant Assistance program to businesses with gross revenues of \$5,000,000 or less that can show a loss of revenues greater than 15% between 2019 and 2020. The businesses must be located within Brisbane and have business licenses for 2019 and 2020 and must still be in business in 2021.

The Subcommittee further recommends that the Small Business Grant Assistance program be opened up to businesses that began operations during 2020. In order to qualify these businesses must be located in a commercial area of the City, with a signed lease which shows occupancy during 2020, and had a business license in place during 2020. No employees of the City, Council Members, or Commissioners who get paid by the City would be eligible for this grant.

After the Subcommittee meeting, staff spoke with the Chamber staff to let them know the proposed recommendation from the Subcommittee. The Chamber staff did comment that some businesses in town did not have reduced business in 2020 but are now having an impact from COVID in 2021. The City Council could expand the grant to businesses that showed a loss between 2019 and 2021 as well. The additional administrative expense will be based on the amount of outreach needed for the new programs. The Chamber staff said the amount will not exceed \$10,000 however, the more similar the program is to the previous program the less the additional administrative expense will be.

At this time it is unknown the number of businesses that would qualify under the new recommendations. City Council can take one of the following options regarding funding. Distribute the \$38,000 among all newly qualified businesses. Reduce the grant back to \$5,000 for businesses that had a reduction in revenues of 15% or more and then use any remaining funds for the new businesses. Or the Council can allocate the \$6,000 per business and staff could report on the number of businesses that applied and received grants for the Council to allocate additional funds.

The City is slated to receive \$1,000,000 from ARPA and this grant program qualifies for ARPA funds. The money not used for this grant program goes to offset revenue loss and expenses made due to COVID-19.

Fiscal Impact

The impact to the General Fund will depend on if the City Council will allocate more than the original \$200,000.

Measure of Success

Provide a minimum of 20 businesses assistance. We have met and surpassed this original goal by already assisting 27 businesses in town. By decreasing the amount of loss to 15% and allowing new startups to apply we can increase this to assisting 30-40 businesses.

Stuart Schillinger

Stuart Schillinger, Assistant City Manager

Clayton L. Holstine

Clay Holstine, City Manager

File Attachments for Item:

N. Capital Improvement Plan Amendment

(The fiscal impact of the priority projects at this time total \$971,046, for which \$550,200 is being requested from the General Fund.)



CITY COUNCIL AGENDA REPORT

Meeting Date: 1/20/2022

From: Carolina Yuen, Finance Director

Subject: Capital Improvement Plan Amendment

Community Goal/Result

Fiscally Prudent
Safe Community
Community Building
Ecological Sustainability
Economic Development

Purpose

Develop a plan to provide for the long-term replacement of infrastructure, and creation of new amenities for the community.

Recommendation

Review the proposed projects on the City's Capital Improvement Plan and set priorities for the completion of projects for requests not included in the June 3rd or June 17th, 2021 Council Packets. Direct staff to return at mid-year to review potential funding sources for Council priority projects.

Background

The Capital Improvement Plan (CIP) provides information on the current and long-range infrastructure and equipment requirements of the City. It provides a mechanism for balancing needs and resources and for setting priorities and schedules for capital projects. It is based on needs identified through the planning process, request and recommendations of City departments and the concerns of citizens and elected officials.

The City Council developed the CIP in 2004. Council reviews the plan in the off year of the City's two year operating budget cycle. Council reviewed the plan last in June 2021 to move forward on projects deemed high priority and to determine if additional projects were needed. Council requested to revisit after the results of Fiscal Year ending June 30, 2021 were known.

Based on the preliminary audited financials for Fiscal Year ending June 30, 2021, the General Fund Available Reserves is approximately \$11,400,000. After budgetary policy restrictions on those reserves for major disasters, economic recessions, to hold one time payments for Planning's anticipated future use, and for expected dips in current year sales tax revenues, staff has determined that there are no reserves available to be used towards capital improvements. However, the projects to be presented tonight have been requested by staff including some deemed high priority, and one updated project as requested by Council.

Discussion

Attached for City Council review is the City's Capital Improvement Plan. The spreadsheet is color-coded as follows:

Yellow is for completed projects.

Blue is for approved projects.

Bright Red is for projects that staff consider a priority.

Green is for projects that are new this year.

Purple is for projects that have been revised since last presented.

Brown is for projects that Council has requested to be presented again after additional research.

The following projects were completed since we met in June:

DPW-43a	Alley Improvements – Alvarado to San Benito (study)
DPW-44	Intersection Improvements to Bayshore/San Bruno
DPW-72	Water/Sewer Station Backup Power Connection
DPW-82	Provide System Maintenance of Existing Stormdrain Filters
PR-04	Electronic Signboards at Community Park and Mission Blue
PR-16	Master Plan for Guadalupe Valley Trail (Crocker Trail)

The Council approved 15 projects in June. The following projects were updated or are new requests since we met in June for a total of \$1,516,046, including five projects that Staff has identified as high priority this year:

CC-03	Expansion of Community Garden (<i>updated</i>)
DPW-43	Alley Improvements – Alvarado to San Benito
DPW-43c	Improvements to San Benito to Humboldt Walkway
DPW-84b	Shared Use Parking Light Standard Replacements (<i>changed priority</i>)
DPW-92	San Bruno Retaining Wall at McLain (construction)
Fire-11	Public Safety Apparatus and Equipment Storage (<i>changed priority</i>)
Fire-12	Polished Concrete Floor in Station 81 Office and Common Area
Fire-13	New Carpet in Station 81 Office and Living Side Area
Fire-14	New Carpet in Station 81 Dorm Side Area
Fire-15	LED Light Upgrade Station 81
Marina-19	Marina Bathroom Building 1
PR-24	Boiler for Community Pool (<i>updated</i>)
PR-29	Community Park Playground Resurfacing

Following are projects that have been requested by Council members, but have not been added to the list as they are being explored further by staff. These may be presented at our next review:

- **Bayshore Infrastructure (sidewalks, bike lane and fire hardening/include on Safe Routes to School).** This project was originally identified as a project condition for the 30 Unit Condo project on Bayshore Blvd. While that project remains active in the sense that entitlements are in place, there has been no recent activity to build. City staff has also looked at potential grant funding.
- **San Bruno Avenue** – Tree removal, branch removal, and widening at Eucalyptus trees. A project to accomplish this would need to be scoped and a budget developed. Council Infrastructure subcommittee could be a reasonable starting place to identify project goals.
- **Bayshore Speed Reduction** – Traffic calming measures/landscaping upgrade/replacement. This could potentially involve City Planning as well as Public Works. We would need to spend some time identifying project objectives.
- **Retaining Wall at Humboldt/Kings near mine shaft in PROW** – currently there is K-rail and the mine shaft is bordered up. Cost estimate for this project will need to be identified first.

Fiscal Impact

The priority projects at this time total \$971,046, for which \$550,200 is being requested from the General Fund. City Council has not allocated funds from reserves for Capital Projects at this time. Final fiscal impact to the City will be determined when the projects are approved and what funding source is used.

Measure of Success

The City maintains the infrastructure it owns and provides for new amenities the Community needs.

Attachments

1. Capital Improvement Plan Guidelines
2. Narratives for new and updated requests
3. Capital Improvement Plan Schedule

Carolina Yuen

Carolina Yuen, Finance Director



Clay Holstine, City Manager

Introduction

The Capital Improvement Plan guides the construction of major maintenance of City facilities and infrastructure. It constitutes a critical component in the City's system of planning, monitoring, and managing corporate business activities. This system links together in a single process the annual cycle of planning, budgeting, implementation, and quality assessment activities.

Capital Improvement Plan Definitions

The Capital Improvement Plan (CIP) is a planning and budgeting tool, which provides information about the City's infrastructure needs. Each year, the list of projects is reviewed for need, cost, and priority. New projects may be added and other projects deleted.

Generally, capital improvement projects are defined as physical assets, constructed or purchased, that have a useful life of ten years or longer and a cost of \$50,000 or more. The following are capital improvements included in the plan:

1. New and expanded facilities for the community.
2. Large scale rehabilitation or replacement of existing facilities.
3. Equipment for any public facility or improvement when first constructed or acquired.
4. The cost of engineering or architectural studies and services related to the improvement.
5. The acquisition of land for a community facility such as park, road, sewer line, etc.

What are Capital Outlays?

"Capital Outlays", which are budgeted within the City's operating budget, include such things as furniture, equipment, vehicles, and motorized equipment needed to support the operation of the City's programs. Generally, a capital outlay item may be defined as an item valued in excess of \$5,000 with a life expectancy of less than 10 years.

What are Capital Projects?

There are two types of capital expenditures. One is infrastructure projects and the other is operating programs. "Capital Projects", which are addressed in the CIP and budgeted within the City's adopted budget, generally include major fixed assets or infrastructure with long term value, such as buildings, roads, and parks; major equipment purchases (large vehicles), computer hardware and computer

software that over the life of the project cost \$250,000 or more. Any of these may involve some form of debt financing.

Capital project costs include all expenditures related to the planning, design, construction, and equipment necessary to open the facility. They include reimbursement for the project manager's time through a transfer from a capital project account.

Why have a Capital Improvement Plan?

The CIP provides information on the current and long-range infrastructure and equipment requirements of the City. It provides a mechanism for balancing needs and resources and for setting priorities and schedules for capital projects. It is based on needs identified through the planning process, requests and recommendations of City departments and the concerns of citizens and elected officials.

The CIP includes identification of the revenue sources, which will be utilized to fund capital improvements. Projects should be included even if revenues are not available to them. Projects may be funded by current revenues or by debt financing, depending on the availability of funds, the nature of the project, and the policies of the City Council.

The CIP strives for efficient use of capital improvement funds by identifying projects and prioritizing them according to their relative importance and urgency of need. Identification assures needed projects are known while prioritization ensures that those projects, which are most urgently needed, are funded first.

Why a separate Capital Improvement Plan?

The Capital Improvement Plan lays out long range capital improvement expenditures. Funds budgeted through the CIP for a specific project during a specific year remain with that project until the project is completed, while the operating budget "terminates" at the end of the fiscal year.

Each year project costs will be reviewed and additional funds may be allocated to a project which, when combined with resources carried over from the prior year, constitute the budget for the new year.

Project Title: Expansion of Community Garden

Description: Install garden plots to the west and to the east (uphill and downhill) of the existing Community Garden plots with short retaining walls and relocate fence.

Year to be completed Fiscal Year: 2022

Project Number: CC-03

Funding Source: General Fund

Cost at time of completion: \$140,000

Any additional staff needed: None

On-going costs created by completion of this project: Future maintenance costs will be captured in the city's overall budget for facility repairs.

Community need to be met: Growing produce locally aligns with sustainability and climate action plan goals and encourages better diets and health of the community. The current garden regularly has a waiting list of 12 to 15 names. This project would add nine plots to the existing garden.

Project Title: Alley Improvements - Alvarado to San Benito

Description: This project will extend the improved length of the Brisbane alley by installing a pedestrian path composed of railroad tie steps from Alvarado to San Benito. (Note: a handrail may be required for a short distance near San Benito; this cost is not included in the estimate.)

Year to be completed Fiscal Year

Project Number: DPW 43

Funding Source: General Fund

Projected Cost in 2022: \$321,000

Any additional staff needed:

Community need to be met: Several citizens and council members have reported on the desire to formally construct this unimproved reach of the alley which is regularly used by citizens, and which has a challenging "join" at San Benito.

Project Title: Improvements to San Benito to Humboldt Walkway

Description: Project will extend the improved length of the central Brisbane alley by clearing overgrown brush and trees, repairing railroad tie steps where needed, and adding lighting and a handrail on one side on the upper existing steps section. Also will install signage to indicate the public route.

Year to be completed Fiscal Year: 2022/2023

Project Number: DPW-43c

Funding Source: General Fund

Projected Cost in 2022: \$60,000

Any additional staff needed: None

Ongoing costs created by completion of this project: None

Community need to be met: This project is part of an ongoing effort to extend and improve existing stairs and pathways to make Central Brisbane more user friendly to pedestrians, increasing the opportunity for residents to walk to more locations in town. This extension of the upper reach of the alley is currently in fair condition, overgrown and somewhat difficult to traverse.

Project Title: Shared Use Parking Light Standard Replacements

Description: Replace 70 rusted, aged light standards in Shared Use Parking Lots at Sierra Point.

Year to be completed Fiscal Year: 2022

Project Number: DPW 84

Funding Source: General Fund

Projected Cost in 2020: \$280,000 (\$70,000 over four phases)

Any additional staff needed: None. Lights are currently inventoried and burnt out bulbs are replaced.

On-going costs created by completion of this project: None.

Community need to be met: Continue lighting a public parking area near the Brisbane Marina, fishing pier and Bay Trail. Minimize or eliminate safety impacts due to poles which have rusted from the inside and do not show signs of impending failure.

Project Title: San Bruno Retaining Wall at McLain

Description: Install a 240 linear foot retaining wall on the uphill side of this roadway to prevent nuisance unravelling from the present slope.

Year to be completed Fiscal Year: 2022-2023

Project Number: DPW-92

Funding Source: General Fund

Projected Cost in 2021: \$250,000

Any additional staff needed: No.

On-going costs created by completion of this project: Minor maintenance.

Community need to be met: The nature of hillside communities is that erosion eventually affects the cut slopes and requires some type of retaining feature to allow continued use of the adjoining roadway.

Project Title: **Public Safety Apparatus and Equipment Storage Facility**

Description:

A facility to store and preserve public safety apparatus and equipment

Year to be completed Fiscal Year: 2021

Project Number: Fire-11

Funding Source: General Fund

Projected Cost in 2020: \$175,000

Any additional staff needed: Building Dept/Planning Dept/Engineering Dept

On-going costs created by completion of this project: Regular maintenance costs

Community need to be met: A facility to store and preserve public safety apparatus and equipment

Project Title: Polished Concrete Floor in Office and Common Area Station 81

Description:

Replace carpeted offices and common areas on Office side of facility with polished concrete

Year to be completed Fiscal Year: 2021/2022

Project Number: Fire-12

Funding Source: General Fund

Projected Cost in 2022: \$35,000

Any additional staff needed: None

On-going costs created by completion of this project: None

Community need to be met: Ensuring employee safety by providing a safe working environment

Project Title: New Carpet in Station 81 Office and Living Side Area

Note - This project is an alternative to the Polished Concrete Flooring project should that project be rejected

Description:

Remove and install new carpet in office and living side of facility

Year to be completed Fiscal Year: 2021/2022

Project Number: Fire-13

Funding Source: General Fund

Projected Cost in 2022: \$15,000

Any additional staff needed: None

On-going costs created by completion of this project:

Annual professional carpet cleaning costs

Community need to be met:

Ensuring employee safety by providing a safe working environment

Project Title: **New Carpet in Station 81 Dorm Side Area**

Description:

Remove and install new carpet in dorm side of facility

Year to be completed Fiscal Year: 2021/2022

Project Number: Fire-14

Funding Source: General Fund

Projected Cost in 2022: \$8,000

Any additional staff needed: None

On-going costs created by completion of this project:

Annual professional carpet cleaning costs

Community need to be met:

Ensuring employee safety by providing a safe working environment

Project Title: LED Light Upgrade (Fire Station81)

Description:

Replace all lighting in station to LED light fixtures.

Year to be completed Fiscal Year: 2021/2022

Project Number: Fire-15

Funding Source: General Fund

Projected Cost in 2022: \$12,000

Any additional staff needed: None

On-going costs created by completion of this project:

Replacement Bulbs and Fixtures as needed

Community need to be met:

Ensuring employee safety by providing a safe working environment

Project Title: Marina Bathroom Building 1

Description: To preserve the main structure, surfaces and integrity of building 1 bathroom within the marina: clean, scrape, prime and renew all painted surfaces. This includes walls, doors, trim, gutters and roof. Replace, prime/paint new down spouts for gutters. Objective is to match colors and paint schemes currently in place. Location to be painted: Bathroom building at head of dock 1.

Year to be completed Fiscal Year: 2021/2022

Project Number: MARINA-19

Funding Source: General Fund

Projected Cost in 2021: \$25,000

Any additional staff needed: None

On-going costs created by completion of this project: None

Community need to be met: Continue to provide clean and safe public restroom access

Project Title: Heat Pump Water Heating System for Community Pool

Description: Replace the original gas pool boiler with an electric heat pump water heating system.

Year to be completed Fiscal Year: 2022-2023

Project Number: PR-24

Funding Source: General Fund

Projected Cost in 2022: Potential costs of up to \$50,000 for portions of project not eligible for PG&E On Bill Financing (OBF) and energy savings incentives. The OBF 0% loan will be repaid by continuing to pay current energy bills for a few years (still to be costed and calculated). At initial scoping, total costs were estimated at \$180,000, with the loan to be paid back in 6 years.

Any additional staff needed: None. San Mateo Energy Watch Program provides free consultant support for energy saving projects at municipal facilities. Current O&M staff will receive training on new equipment

On-going costs created by completion of this project: After OBF loan is repaid, energy costs will be reduced by about 50%.

Community need to be met: Replacing the existing gas boiler with a heat pump water heating system at the pool would ensure fewer failures and thus fewer disruptions in operations and service to patrons. The upgraded system would function much more efficiently, use renewable energy as opposed to natural gas (methane gas), meet Climate Emergency Declaration targets, and provide significant greenhouse gas emissions reductions, as well replacing a component that is nearing or at the end of its useful life.

Project Title: Community Park Playground Resurfacing

Description: Excavate and replace the existing poured-in-place surfacing at the Community Park playground. The poured-in-place surfacing at the playground is in poor and rapidly deteriorating condition. It is beyond its useful life in its current condition and despite efforts to patch high-traffic areas as they have failed, the playground surfacing requires a complete overhaul. Excavation of the old material, removal of the adjacent sand area, site preparation, and installation of new surfacing is advised.

Year to be completed Fiscal Year: 2022

Project Number: PR-29

Funding Source: General Fund

Projected Cost in 2022: The total project cost is \$226,046.25. However, \$180,837.00 will be paid for using State of California Prop 68 per capita grant funds, with a 20% match amount of \$45,209.25 required by the City of Brisbane.

Any additional staff needed: None.

On-going costs created by completion of this project: After installation, the facility should be inspected on an annual basis to preserve its condition, extend its lifespan, and address any issues that may arise as result of use.

Community need to be met: Renovations to the surfacing at the Community Park playground supports City Council's goal of providing high-quality facilities for recreation for Brisbane residents. Resurfacing the playground will mitigate potential risks and improve overall public safety.

Capital Projects Listed By Department

Completed projects		Approved Projects (+)		Staff Priority Project **		New Projects (N)	Revised Projects	Council requested (CC)				
Department		Name	Status	Cost 2020	Cost 2021	Master Planned	Funding Sources	Funding Sources	Funding Sources	Anticipated Start Date		
CC-01	City Council	City Entryway		113,000			General Fund					
CC-02	City Council	City Hall Photovoltaic Design-Build	Completed				General Fund			2018		
CC-03	City Council	Expansion of Community Garden (CC)	Follow Up requested by Council for 2022	67,800	140,000		General Fund					
CC-04	City Council	Railing for Stairway between Mono and Sierra Point	Completed				General Fund					
CC-05	City Council	South Hill Drive Sidewalk Extension	Completed				General Fund					
CC-06	City Council	Stairway between Tulare and Santa Clara		400,000			General Fund			2019		
CC-06a	City Council	Stairway between Santa Clara and Alvarado		282,500			General Fund					
CC-06b	City Council	Stairway between Tulare and Santa Clara Design (+)	Revised scope 10/8/20	50,000			General Fund					
CC-07	City Council	Crocker Trail Commuter Connectivity Upgrades (+)	In design	1,000,000			GF - 115,000	Grant				
CC-08	City Council	Crocker Trail Lighting Improvements		500,000			GF - 200,000					
CC-09	City Manager	New Brisbane Library - Construction	Completed	6,702,862			Business License			Spring 2018		
CC-10	DPW-OS&E	Firth Canyon Trail Restoration (+)		50,000			280 South Hill Funds			2020		
DPW-02	DPW-Buildings	Construct Roof Replacement for Fire Station 81	Completed				General Fund					
DPW-03	DPW-OES	Emergency Fuel Supply/Propane Trap Wagons		223,288			General Fund					
DPW-04	DPW-OES	Purchase mobile showers for use when emergency shelter is open		79,100			General Fund					
DPW-05	DPW-OES	Upgrade City Hall standby generator		258,770			General Fund					
DPW-06	DPW-OES	Upgrade Station 81 standby generator	Grant received Council Match pending	190,000			General Fund-25%	HMGP-75%		Fall 2019		
DPW-07	DPW-SD	Channel/conduit Bayshore/Industrial to Tunnel (AA/BB)		7,719,712		Yes	Developer					
DPW-08	DPW-SD	Guadalupe Channel Erosion Control (+)		550,000			Developer					
DPW-09	DPW-SD	New box conduit and detention basin on Bayshore near Industrial (Y)		2,211,664		Yes	Developer					
DPW-10	DPW-SD	SD Pipeline along Valley Dr. from Cypress Ln. to Bankers Ln. (N)		2,453,360		Yes	Developer					
DPW-11	DPW-SD	SD-Eastern Bayshore open channel culverts (U)		1,445,808		Yes	Developer					
DPW-12	DPW-SD	SD-roadway drainage improvements along Tunnel Ave. (X)		877,968		Yes	Developer					
DPW-13	DPW-SD	Upgrade to Brick Arch (BB)		11,399,024		Yes	Developer					
DPW-14	DPW-SD	18"-36" Pipelines in San Benito and San Bruno - Storm Drain (F)		975,520		Yes	General Fund					
DPW-15	DPW-SD	24" - 30" Pipelines in Vistacion Ave. from Sierra point Road to Klamath Storm Dran (G)		901,264		Yes	General Fund					
DPW-16	DPW-SD	30" Pipeline on Bayshore Blvd. - Storm Drain (K)		515,424		Yes	General Fund					
DPW-17	DPW-SD	BMP Modifications to West Hill Place Sediment Basin		55,328		Yes	General Fund					
DPW-18	DPW-SD	Main Street Detention Basin Improvements (W)		677,040		Yes	General Fund					
DPW-19	DPW-SD	New Storm Drainage Master Plan		302,848		Yes	General Fund					
DPW-20	DPW-SD	Pipeline - Park-n-Ride (J)		838,656		Yes	General Fund					
DPW-21	DPW-SD	Replace CMP on North Hill Drive (S), Humboldt Rd (CC), Kings Rd. (DD), Replace SD Humboldt and Solano (D)		248,976		Yes	General Fund					
DPW-22	DPW-SD	SD Culvert Guadalupe Canyon (T,V) and west end of South Hill Dr. (P)		1,482,208		Yes	General Fund					
DPW-23	DPW-SD	SD Pipeline along South Hill Dr. near Valley Drive (Z)		1,100,736		Yes	General Fund					
DPW-24	DPW-SD	SD Pipeline along Valley Dr. from South Hill Drive to Cypress Ln. (M)		1,648,192		Yes	General Fund					
DPW-25	DPW-SD	SD Pipeline for Bayshore Blvd. north of Fire Station (L)		413,504		Yes	General Fund					
DPW-26	DPW-SD	SD Sediment trap and pipeline-parking lot south of Valley Dr. (H)		489,216		Yes	General Fund					
DPW-27	DPW-SD	SD-inlet and grade modifications at Alana Way (EE)		165,984		Yes	General Fund					
DPW-28	DPW-SD	Sediment Trap and Pipeline, Main Street at Bayshore Blvd. (FF)		378,560		Yes	General Fund					
DPW-29	DPW-SD	Storm Drain Pipeline from Visitacion Ave. and San Francisco Ave to Bankers Lane/San Francisco Ave., West of Visitacion Ave./San Bruno Ave. north of Mariposa St. (B,C,E)		2,571,296		Yes	General Fund					
DPW-30	DPW-SD	Vee Ditch Cleaning and Improvements (Q,R)		295,568		Yes	General Fund					
DPW-31	DPW-Sewer	Sierra Point Lift Station Improvements (LS#4) (+)	Construction Phase	512,000		Yes	Developer					
DPW-32	DPW-Sewer	Bayshore Blvd. North - Sewer Replacement		3,887,520		Yes	Utility Fund			2025		
DPW-33	DPW-Sewer	Lift Station Condition Assessment and Hydraulic Evaluation (+)		100,000		Yes	Utility Fund			2024		
DPW-34	DPW-Sewer	New Sewer Master Plan		660,000		Yes	Utility Fund			2025		

Capital Projects Listed By Department

	Completed projects	Approved Projects (+)	Staff Priority Project **	New Projects (N)	Revised Projects	Council requested (CC)				
	Department	Name	Status	Cost 2020	Cost 2021	Master Planned	Funding Sources	Funding Sources	Funding Sources	Anticipated Start Date
DPW-35	DPW-Sewer	Sewer Pipeline Replacements - Priority 1 (+)	Completes 3 of 4 remaining Priority 1 Projects (1. Pipe burst 270LF of existing 6" VCP sewer main w/ 8" HDPE pipe on West Hill Drive; 2. Pipe burst 290LF of existing 6" VCP sewer main w/ 8" HDPE pipe on Upper Bicentennial Walkway; 3. Replace 25LF of existing 6" VCP w/ 8" HDPE with new manhole on Solano.)	330,000		Yes	Utility Fund	Bond		2019
DPW-36	DPW-Sewer	Sewer Pipeline Replacements - Priority 2/3		1,388,800		Yes	Utility Fund			2021
DPW-37	DPW-Sewer	Terminal Manhole Installation		203,280			Utility Fund			2021
DPW-38	DPW-Sewer	Trinity Sewer Replacement		123,200			Utility Fund			2021
DPW-39	DPW-Sewer	Bayshore Blvd. South - 8" Force Main Underground Relcotation	Completed				Utility Fund			
DPW-40	DPW-Sewer	Television Inspection and Evaluation - Sewer	Completed				Utility Fund			
DPW-41	DPW-Streets	Slope Stability for 900 block Humboldt Road	Completed				Disaster Relief	General Fund		
DPW-42	DPW-Streets	Pavement Maintenance Project (Annual)	Funded	300,000			Gas Tax	Measure A		
DPW-43	DPW-Streets	Alley Improvements - Alvarado to San Benito **		350,000	320,000		TDA - \$240K	Gen Fund - \$80K		
DPW-43a	DPW-Streets	Alley Improvements - Alvarado to San Benito (study)	Completed - FY21/22	20,000			General Fund			
DPW-43b	DPW-Streets	Alley Improvements - Sierra Point to Humboldt (study)	Completed	20,000			General Fund			
DPW-43c	DPW-Streets	Improvements to San Benito to Humboldt Walkway (handrails & lighting)	To be completed FY2022-2023		60,000		General Fund			
DPW-44	DPW-Streets	Intersection Improvements at Bayshore/San Bruno	Completed - FY21/22	52,000			General Fund			
DPW-44a	DPW-Streets	Intersection Improvements at Bayshore/San Bruno (Traffic Light)		550,000			General Fund			
DPW-45	DPW-Streets	Slope Stability Analysis - Bayshore at Ice House Hill	Completed				General Fund -C			
DPW-46	DPW-Streets	Controller Upgrades & Replacements		400,000			Grant	Developer	General Fund	
DPW-47	DPW-Streets	Video Detection Upgrade - Phase 2	Completed				Grant	Developer	General Fund	
DPW-48	DPW-Streets	Pedestrian Path - Humboldt Road to Kings Road		420,134			South Hill Land Sale	General Fund		
DPW-48a	DPW-Streets	Pedestrian Path - Humboldt Road to Kings Road - Design		50,000			South Hill Land Sale	General Fund		
DPW-49	DPW-Water	Water Main Installation Aqueduct Zone		1,600,144			Developer			
DPW-50	DPW-Water	Water Storage Tank Installation-Aqueduct Zone		6,500,000		Yes	Developer			
DPW-51	DPW-Water	Crocker Tank Replacement	not needed until 2030	3,753,000		Yes	Utility Fund			
DPW-52	DPW-Water	Extended Period Simulation Hydraulic Analysis		75,000		Yes	Utility Fund			2021
DPW-53	DPW-Water	Glen Park Pump Station Upgrade (+)	Funded	2,600,000		Yes	Utility Fund	Bond		2018
DPW-54	DPW-Water	New Water Master Plan	Completed			Yes	Utility Fund			2025
DPW-55	DPW-Water	North Hill Pump Station Upgrade		1,317,680		Yes	Utility Fund			2024
DPW-56	DPW-Water	PRV Construction and Fire Main on Annis/Line F,G,H,I,J and Annis PRV	Completed			Yes	Utility Fund	Bond		2017
DPW-57	DPW-Water	Pump Station Condition Assessment	New	100,000		Yes	Utility Fund			2024
DPW-58	DPW-Water	SCADA System Replacement (+)	Funded	682,000		Yes	Utility Fund	Bond		2018
DPW-59	DPW-Water	Seismic Studies/Plans		200,000		Yes	Utility Fund			2024
DPW-60	DPW-Water	Water Main Replacement-San Bruno and Trinity		448,000			Utility Fund			2024
DPW-61	DPW-Water	Water Meter AMI Sysetm (+)		1,500,000			Utility Fund	Bond		2020
DPW-62	DPW-Water	Water Pipeline Replacements -Priority 1 (+)	Completes remaining Priority 1 Projects (1. New 6" water main interconnection btw. Mariposa & San Bruno Ave.; 2. Replace existing PRV at Placer with new 10" PRV on Humboldt Road)	500,000		Yes	Utility Fund	Bond		2022
DPW-63	DPW-Water	Water Pipeline Replacements -Priority 2		1,534,400		Yes	Utility Fund			2020
DPW-64	DPW-Water	Water Pipeline Replacements -Priority 3		151,200		Yes	Utility Fund			2021
DPW-65	DPW-Water	Golden Aster Pump Station Upgrade		1,129,856		Yes	Utility Fund			2022
DPW-66	DPW-Streets	Sierra Point Parkway Dip Repairs		40,250			General Fund			2020
DPW-67	DPW-SD	Quarry Road 42" CMP Storm Drain Replacement		364,000			General Fund			2023
DPW-68	DPW- Sewer	Valley Drive Lift Station Rehabilitation		280,000		Yes	Utility Fund			2022
DPW-69	DPW-Water	Water System Enhancement		100,000			Utility Fund			2022
DPW-70	DPW-Streets	Bus Stop improvements Van Water and Rodgers Road		450,000			Grant Funding	General Fund		
DPW-71	DPW-Streets	Guadalupe Canyon Parkway Safety Improvmnts	Completed				Grant Funding	General Fund		2020
DPW -72	DPW- Water	Water/Sewer Station Backup Power Connection	Completed - FY21/22	33,000			Utility Fund			2020
DPW-73	DPW- Water	Fire Hydrant Maintenance (+)		120,000			Utility Fund			
DPW -74	DPW-Streets	Retaining Wall - 400 Block Kings Road Study	Completed				General Fund			

Capital Projects Listed By Department

	Completed projects	Approved Projects (+)	Staff Priority Project **	New Projects (N)	Revised Projects	Council requested (CC)				
	Department	Name	Status	Cost 2020	Cost 2021	Master Planned	Funding Sources	Funding Sources	Funding Sources	Anticipated Start Date
DPW-74a	DPW-Streets	Retaining Wall - 400 Block Kings Road	Completed				General Fund			
DPW-75	DPW-Streets	18-30 Solano Retaining Wall		230,000			General Fund			
DPW-76	DPW - Park Maintenance	Bay Trail Rodent Removal (+)		21,000			General Fund			
DPW-77	DPW - Park Maintenance	Community Garden Lumber Replacement		50,000			General Fund			
DPW-78	DPW - Open Space	EV Charging Stations at 3 Locations (+)		100,000			General Fund			
DPW-79	DPW - Streets	Investigation of Widening Trinity cul-de-sac		25,000			General Fund			
DPW-80	DPW - Water	Modified Urban Water Management Plan		40,000			Utility Fund			
DPW-81	DPW -Water	Preparation of Risk and Resilience Assessment and Emergency Response Plan for Drinking Water (+)		50,000			Utility Fund			2021
DPW-82	DPW - SD	Provide System Maintenance of Existing Stormdrain Filters	Completed - FY21/22	20,000			General Fund			
DPW-83	DPW - Streets	San Francisco to Old County at Bayshore Walkway Design		45,000			General Fund			
DPW-84a	DPW - Streets	Shared Use Parking Light Standard Replacements (+)		70,000			General Fund			2021
DPW-84b	DPW - Streets	Shared Use Parking Light Standard Replacements **		70,000	70,000		General Fund			2022
DPW-84c	DPW - Streets	Shared Use Parking Light Standard Replacements		70,000			General Fund			2023
DPW-84d	DPW - Streets	Shared Use Parking Light Standard Replacements		70,000			General Fund			2024
DPW-85	DPW - Streets	Shared Use Parking Lot Slurry Seal		180,000			General Fund			
DPW-86	DPW - SD	Update City's FEMA Flood Maps		182,000			General Fund			
DPW-87	DPW - Utilities	BRS Zone 1 Water Tank					Developer			
DPW-88	DPW - Utilities	SPLL Irrigation Retrofits (+)		266,700			Developer			
DPW-89	DPW - Utilities	HET Retrofit Program (+)		76,600			Developer			
DPW-90	DPW - Utilities	Aquifer Injection/Water Banking Investigation (+)		50,000			Developer			
DPW-91	DPW - Streets	Street Light Meters for Visitation Avenue (+)		50,000			General Fund			
DPW-92	DPW - Streets	San Bruno Retaining Wall at McLain (construction) (N)	To complete 2022-2023		250,000		General Fund			
FIRE-01	Fire	Communication System	completed				General Fund			
FIRE-02	Fire	Fire Station #81 Seismic Retro-Fit		1,000,000			General Fund			2023
FIRE-09	Fire	Upgrading Exhaust System for Fire Apparatus	completed				General Fund			
FIRE-10	Fire	Painting Exterior of Fire Station	Completed - DPW				General Fund			
Fire-11	Fire	Public Safety Apparatus and Equipment Storage **		175,000	175,000		General Fund			
Fire-12	Fire	Polished Concrete Floor in Station 81 Office and Common Area (N)			35,000		General Fund			
Fire-13	Fire	New Carpet in Station 81 Office and Living Side Area (N)	alternative to Polished Concrete Floor		15,000		General Fund			
Fire-14	Fire	New Carpet in Station 81 Dorm Side Area (N)			8,000		General Fund			
Fire-15	Fire	LED Light Upgrade Station 81 (N)			12,000		General Fund			
MARINA-01	Marina	Hand Launch Facility		682,000			Grant			
MARINA-02	Marina	Bathymetric Survey of Marina and Entrance Channel	Completed				Marina			2019
MARINA-03	Marina	Dumpster/Recycling Enclosure		56,500			Marina			
MARINA-04	Marina	Preliminary Design and Cost Estimating for R&R of flotation billets, dock utilities and dock boxes		66,964			Marina Fund			2019
MARINA-05	Marina	Pump-a-Head Replacement	Grant reimbursement received FY20				Grant	Marina		
MARINA-06	Marina	Fishing Pier Improvements (+)		97,500			Marina			
MARINA-07	Marina	Small Boat House	Needed only when hand launch facility is built	242,385			Marina			
MARINA0-9	Marina	Creosote Piling Removal	Completed				Marina			
MARINA-10	Marina	Dock Sections Replacement Project	Completed				Marina			
MARINA-11	Marina	Marina Approach Channel Maintenance Dredging	Completed				Marina			
MARINA-12	Marina	Marina Maintenance Dredging	Completed				Marina			
MARINA-14	Marina	North and South Boater Restrooms	Completed				Marina Fund			
MARINA-15	Marina	North and South Public Restrooms	Completed				Marina Fund			
MARINA-16	Marina	Replace Promenade Lights	Completed				Marina Fund			
MARINA-17	Marina	Wooden Component Dock Maintenance Project	Complete	78,000			Marina Fund			
MARINA-18	Marina	Paint Marina Office and Bathroom Buildings		106,000			Marina Fund			
MARINA-19	Marina	Marina Bathroom Building 1 (N)	To be completed FY2021-2022		25,000		General Fund			
PR-01	Parks and Recreation	All-Weather Volleyball Court - Lipman	School District did this on it's own				School District			
PR-02	Parks and Recreation	Community Park - Installation of Bocce Ball Courts	Combined with PR 28	50,000			General Fund			
PR-03	Parks and Recreation	Dog Park Lighting (+)		10,000			General Fund			
PR-04	Parks and Recreation	Electronic Signboards @ Community Park and Mission Blue	Completed - FY21/22	80,000			General Fund			
PR-05	Parks and Recreation	Full Size Soccer Field Construction	Not a Current Request	1,300,000			General Fund			

Capital Projects Listed By Department

	Completed projects	Approved Projects (+)	Staff Priority Project **	New Projects (N)	Revised Projects	Council requested (CC)				
	Department	Name	Status	Cost 2020	Cost 2021	Master Planned	Funding Sources	Funding Sources	Funding Sources	Anticipated Start Date
PR-07	Parks and Recreation	Modular Addition - Brisbane Elementary School	Completed				General Fund	County	School District	
PR-08	Parks and Recreation	Quarry Road Lighting (+)		40,000			General Fund			
PR-10	Parks and Recreation	Turf Renovatation - B.E.S. Lower Athletic Field		2,200,000			General Fund			
PR-11	Parks and Recreation	Turf Renovation – Lipman Athletic Field		2,200,000			General Fund			
PR-12	Parks and Recreation	Community Center Park Renovation	Completed				General Fund -C			
PR-13	Parks and Recreation	Restroom & Storage Buildings Installation – Lipman School Athletic Field		150,000			General Fund			
PR-15	Parks and Recreation	Restroom and Storage Buildings Installation - Brisbane Elementary School	Completed				State Bond	General Fund		
PR-16	Parks and Recreation	Master Plan for Guadalupe Valley Trail (Crocker Trail)	Completed - FY21/22				South Hill Land Sale			2019
PR-17	Parks and Recreation	Sound System Replacement at the Community Center					Donated			
PR-18	Parks and Recreation	Mission Blue - Preliminary Design Consultant (+)		45,000			General Fund			
PR-19	Parks and Recreation	Library / Comm Ctr Spatial Analysis & Design Consultant (+)		45,000			General Fund			
PR-20	Parks and Recreation	Lipman Tennis Court Resurfacing		60,000			General Fund			
PR-21	Parks and Recreation	Lipman Tennis Court Lighting		120,000			General Fund			
PR-22	Parks and Recreation	Turf Renovation - Mission Blue Field		2,200,000			General Fund			
PR-23	Parks and Recreation	Mission Blue Sports Complex Amenities		20,000			General Fund			
PR-24	Parks and Recreation	Heat Pump Water Heating System for Community Pool **	Discuss again for FY21/22 winter review	50,000	180,000		General Fund			late 2022
PR-25	Parks and Recreation	New Tables for Community Pool		20,000			General Fund			
PR-26	Parks and Recreation	Sunrise Room Window Coverings		10,000			General Fund			
PR-27	Parks and Recreation	Bankshot Basketball Court		100,000			General Fund			
PR-28	Parks and Recreation	Sport Court Installation at Community Park		50,000			General Fund			
PR-29	Parks and Recreation	Community Park Playground Resurfacing **			226,046		State grant - \$180.8K	GF 20% match - \$45.2K		
PD-01	Police	Police Radio System Replacement with Encryption		177,831			General Fund			2023

File Attachments for Item:

O. Consider Adoption of a Resolution Authorizing (A) the Transfer of \$2,035,060 from the City's Facility Fund to the City's Capital Fund, (B) the Use of the Capital Improvement Portion of the City's Business License Tax Revenues (1) to Reimburse the City's General Fund for the Loss of Property Tax Revenues that the City Would Otherwise Receive from the County of San Mateo that the County Withholds to Pay Off a Loan the City Obtained to Help Construct the New Library , and (2) to Reimburse the City's General Fund for the Funds It Advanced to the Capital Fund to Pay for the Public Library



CITY COUNCIL AGENDA REPORT

Meeting Date: 1/20/22

From: Stuart Schillinger, Assistant City Manager

Subject: Adoption of a Resolution Authorizing the Transfer of \$2,035,060 from the City's Facility Fund, The Use of the Capital Improvement Portion of the City's Business License Tax Revenues to Reimburse the General Fund for the Loss of Property Tax Revenues that the City Would Otherwise Receive from the County of San Mateo that the County Withholds to Pay Off a Loan the City Obtained to Help the Construct the New Library and for the Funds The General Fund Advanced to the Capital Fund to Pay for the Public Library.

Community Goal/Result

Community Building
Financial Stability

Purpose

Provide a premier public facility for the community which is a comfortable place to gather and learn while not financially impacting the ability for the City to provide on-going services.

Recommendation

Approve the attached Resolution which allows for the Capital Improvement Portion of the Business License Tax to reimburse the City's General Fund for the repayment of the \$1,700,000 County Loan and \$4,606,601 advance made for the completion of the new Public Library. Additionally, the Resolution approves the use of \$2,035,060 in the Facility Fund for the Library project.

Background

On March 15, 2018 the City Council reviewed cost projections and financing plan for the new library when it approved the \$1,700,000 loan from the County for the Library. The anticipated cost of the project in March 2018 was \$7,815,000 not including the land cost or the required transfer into the Public Art Fund.

The financing plan called for the use of approximately \$2,950,000 from the City's Facility Fund (money contributed by the developer of the Northeast Ridge housing to pay for improvements for the City). The plan also stated that the use of donations (\$100,000), County Measure A funds (\$300,000), County Loan (\$1,700,000), and the remainder to be paid for by a loan from the General Fund to the Capital Project Fund to be repaid by the Capital Improvement portion

of the Business License Tax. Business with gross receipts over \$10,000,000 pay a portion of their Business License Tax towards city-wide capital improvements.

The final amount of the General Fund loan was not determined at that meeting since the final cost of the project was unknown.

Discussion

The final cost of the project was \$8,741,661.63. The difference in the actual cost compared to the budget was increases in:

- a) final design cost \$101,000,
- b) Construction Management \$165,000,
- c) Public Art contribution \$35,000 and,
- d) Change orders from the contractor and settlement agreement with the contractor \$773,000.

These additional costs add up to \$1,074,000. There were savings in other aspects of the project which resulted in the project costing only \$926,661.63 above projections.

Currently, the City has \$2,035,060 available in the Facility Fund. This is about \$991,000 lower than previously anticipated. The difference is the cost of Guadalupe Channel Improvements and the cost of repairing two hillside failures that have occurred in the past couple of years. This means the loan from the General Fund needs to advance \$4,606,601 to the Capital Project Fund. At the March 2018 meeting it was anticipated that an advance would be repaid with an interest rate of two percent. The two percent interest still makes sense since the 10-year Treasury bond is trading at 1.46%.

The March staff report suggested that the County Loan payment from the General Fund would be reimbursed by the Capital Improvement portion of the Business License Tax but no formal Council action was taken. Staff determined that it would be better to wrap both actions (repayment of the General Fund for the County Loan and any General Fund advance) into one action after the project was completed.

The Capital Improvement portion of the Business License Tax generated \$330,000 for FY 2020/21. If this amount continues into the future (staff anticipates it will as new businesses move into Sierra Point) all General Fund loans and advances would be repaid by FY 2041/42. This is a much shorter time frame than was anticipated in March 2018. The reduction in time is because the amount available from the Business License Tax is higher.

Use of Old Library

City staff will be engaging the architects who have worked on the new Library and 25 Park Place to assist in conducting a spatial analysis at the old library site to determine the feasibility of additional programming space for Parks and Recreation programs. Since the Community Center is already fully programmed we can't expand our offerings of indoor programming during the day. Renovations of the facility would allow the Parks & Recreation department to potentially offer more programming for youth, teens, and adults. Once a conceptual design is developed, a cost for the improvements will be identified. This will be brought back to City Council for review and potential funding.

Fiscal Impact

Taking the action recommended tonight would obligate the Capital Improvement portion of the Business License Tax through approximately 2041/42. If the Council does not repay the General Fund, the Fund Balance for the Fund would be reduced by \$4,606,601. This would mean the City would not be meeting its General Fund fund balance policy.

Measure of Success

A library is built and paid for which provides for the needs of the Community.

Stuart Schillinger

Stuart Schillinger, Assistant City Manager

Clayton L. Holstine

Clay Holstine, City Manager



RESOLUTION AUTHORIZING (A) THE TRANSFER OF \$2,035,060 FROM THE CITY'S FACILITY FUND TO THE CITY'S CAPITAL FUND, (B) THE USE OF THE CAPITAL IMPROVEMENT PORTION OF THE CITY'S BUSINESS LICENSE TAX REVENUES (1) TO REIMBURSE THE CITY'S GENERAL FUND FOR THE LOSS OF PROPERTY TAX REVENUES THAT THE CITY WOULD OTHERWISE RECEIVE FROM THE COUNTY OF SAN MATEO THAT THE COUNTY WITHHOLDS TO PAY OFF A LOAN THE CITY OBTAINED TO HELP CONSTRUCT THE NEW LIBRARY , AND (2) TO REIMBURSE THE CITY'S GENERAL FUND FOR THE FUNDS IT ADVANCED TO THE CAPITAL FUND TO PAY FOR THE PUBLIC LIBRARY

Whereas, it was anticipated that the cost of the new public library would be \$7,815,000 which cost would be funded by (a) a \$1,700,000 loan from the County of San Mateo, (b) \$2,950,000 from the City's Facility Fund, (c) donations from the public totaling \$100,000, (d) \$300,000 from County Measure A funds and (e) the remainder from the City's Capital Fund; and

Whereas, the final cost of the new Library project was \$8,741,662 and, of that amount, the City's General Fund advanced \$4,606,601 to the City's Capital Fund; and

Whereas, there are \$2,035,060 available in the City's Facility Fund; and

Whereas, concerning the City's repayment of the \$1,700,000 loan from the County of San Mateo, the County withholds \$130,000 annually from the real property taxes that it would otherwise distribute to the City; and

Whereas, the Capital Improvement portion of the City's Business License Tax revenues are placed in the City's Capital Fund; and

Whereas, it is anticipated that the Capital Improvement portion of the City's Business License revenues will generate at least \$330,000 annually which amount will be adequate to (a) replace in the City's General Fund the amount the County withholds from the City from the real property taxes that it would otherwise distribute to the City due to the loan the County made to the City for the new library and (b) reimburse the City's General Fund (at an interest rate of 2%) for the expenditures that the City's General Fund made for the new library; and

Whereas, an interest rate of 2% is higher than the interest rates for 10 year Treasury bonds and is higher than the Local Agency Investment Fund (LAIF) interest rate that LAIF pays local agencies for funds that it holds for local agencies.

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

Section 1. The City Council authorizes the transfer of \$2,035,060 from the Facility Fund to the Capital Fund.

Section 2. The Council authorizes the use of the Capital Improvement portion of the Business License Tax revenues that the City received to (a) replace in the City's General Fund the amount of money the County withholds from its distribution of real property taxes to the City for the annual payment of the loan the County made to the City to assist in the funding for the construction of the new library and (b) reimburse the City's General Fund for the expenditures that the General Fund made for the new library.

Section 3. An annual interest rate of 2% will be imposed on the Capital Fund for the unpaid reimbursement until the City's General Fund has been fully reimbursed for the expenditures that it made for the new library.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Brisbane at a regular meeting of January 20, 2022.

Coleen Mackin, Mayor

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on January 20, 2022 by the following vote:

AYES:

NOES:

ABSENT;

ABSENT:

Ingrid Padilla, City Clerk

Approved as to form:

Thomas McMorrow, City Attorney

File Attachments for Item:

P. Community Park Festival Tree Replacement

(The fiscal impact will depend upon the number of trees and locations planted, costs could range from \$2,000 for two trees up to \$20,000 for four trees because of modifications needed to park infrastructure)



CITY COUNCIL AGENDA REPORT

Meeting Date: January 20, 2022

From: Karen Kinser, Deputy Director of Public Works

Noreen Leek, Parks & Recreation Director

Subject: Community Park Festival Tree Replacement

Community Goal/Result

Community Building, Ecological Sustainability

Purpose

Preserve a long-standing tradition valued by the community while encouraging connectivity and demonstrating environmental stewardship.

Recommendation

Consider the recommendation from the ad hoc Subcommittee of Open Space and Ecology Committee (OSEC) and Parks & Recreation (P&R) Commission members regarding replacement of the City's Festival tree and provide direction to staff.

Background

For more than three decades, the deodar cedar tree at the Community Park has served as the focal point for Brisbane's annual Festival of Lights event and has been an asset cherished by the community. It became apparent many years ago, and was subsequently affirmed by arborist assessments, that the tree's overall health was progressively declining, attributable to a variety of factors.

A joint ad hoc subcommittee, comprised of members of OSEC and the P&R Commission, was established to review the issue and provide recommendations. In preparation for future Festival tree needs, a 20' Sequoiadendron was planted in late 2019 at the corner of San Francisco and Old County Road. The hope was that this tree would have time to mature in place and be established when the decline of the original tree became prohibitive to its use. Unfortunately, an undetected irrigation system leak caused a rapid decline in health and untimely removal of the new tree in early 2021. The leak has since been isolated, with a full review and repair of any irrigation issues scheduled.

In November of 2021, when certified arborist Tim Chang and his crew arrived onsite to prepare the original deodar cedar tree for the Festival of Lights event, he observed that the tree had developed a significant lean after heavy rains and winds, and he recommended its removal. City staff consulted a second certified arborist, who confirmed the assessment and the recommendation for removal. Both expressed their concern regarding public safety. The tree exhibited a 15% lean and displayed movement at the trunk during a pull test, indicating its instability. That day, Public Works staff placed barricades and caution tape in the area

surrounding the tree. It was determined that with the area protected, the tree would remain through the 2021 Festival of Lights and holiday season and be removed shortly thereafter.

Discussion

The joint subcommittee met in December 2021 to discuss various alternatives. They discussed placement options, ideal tree species, and how best to achieve a long-term solution. The subcommittee was in consensus that the following criteria are essential to a successful outcome: a native species that would both thrive in Brisbane's climate and achieve the appearance of a holiday tree, a small grove of 3-4 trees that could grow in community and provide protection from the elements (i.e., wind), and trees that were young/small enough to take root with a lesser risk of transplant shock. Inclusion of an establishment period in the tree planting was requested. Douglas Fir tree species were recommended as meeting all the requirements.

If Council were to direct the planting of a total of 3-4 new trees, two trees would need to be planted on the opposite side of the existing walking path. Modifications would be required to irrigation and electrical lines and systems, as well as the installation of a concrete border between the new trees and lawn area. Trees on the far (east) side of the concrete path would cause partial consumption of the grass area, which is typically used for events such as the Farmer's Market and Day in the Park. Also, staff has identified limitations on the lack of current availability of suitable Douglas Fir trees.

Fiscal Impact

Depending upon the number of trees and locations planted, costs could range from \$2,000 for two trees up to \$20,000 for four trees because of modifications needed to park infrastructure.

Attachments

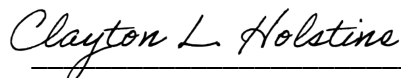
1. Photo of proposed species



Karen Kinser, Deputy Director of Public Works



Noreen Leek, Parks & Recreation Director



Clay Holstine, City Manager

ATTACHMENT 1



File Attachments for Item:

R. Consider Donation to Fire in the Ring Boxing Inc. a Non-profit Youth Boxing Program



To whom it may concern,

Founded in 2003, Fire in the Ring Boxing Inc. (FITR) is a non-profit youth boxing program run by volunteers to keep kids away from the luring temptations of the streets. It aids our youth ages 6-17, both male and female, of all backgrounds & all levels of skill to realize their full potential. Through coaching and mentoring, we provide a safe & fun after school activity free of charge to all registered participants. The program focuses on physical fitness, sportsmanship, instilling self-discipline, developing boxing techniques & leadership skills as well as encouraging participants to achieve academic excellence.

The program has already saved many kids from communities from all over the Bay Area from a life of crime and violence. The SF Court System, SF Rec and Park & SFFD, as well as other notable organizations such as the Olympic Club and DCYF, have taken a positive interest in the success of the FITR program that is helping to change kids' lives. We'd like to include you and/or your organization in that list.

FITR is in crucial need to help us not only sustain, but continue the expansion of our youth boxing program to meet the growing demand of our services for all San Francisco communities. This includes providing more equipment, more instructors, transportation to, and from the facilities for participants as well as technology & administration overhead costs.

All donations and grants are 100% dedicated to the program's operations (facility & maintenance expenses, materials, equipment etc.). All training and administration time is currently 100% volunteer.

For charitable donations, please make checks payable to "Fire in the Ring Boxing Inc."
Taxpayer ID#: 47-1714973. Please mail to:

Fire in the Ring Boxing Inc.
c/o Jim Ford
180 Industrial Way
Brisbane, CA 94005

Thank you for your consideration in helping to keep the FITR Boxing facilities operational and making a difference for the youth of the San Francisco Bay Area.

Best regards,


Jimmy Ford
Founder & President

Fire in the Ring Boxing Inc.

- Office: (415) 859-5568 • www.fireinthering.com • info@fireinthering.com
- 180 Industrial Way - Brisbane, CA 94005 • 799 Moscow Street - San Francisco, CA 94112
- Charitable Tax 501(c)3 - TAX ID: #47-1714973



SAN FRANCISCO / BRISBANE
FIRE IN THE RING INC.
180 INDUSTRIAL WAY BRISBANE CA 94005
415-859-5568 FIREINTHERING415@GMAIL.COM
NON-PROFIT TAX ID #47-1714973

Fire in the Ring is dedicated to keeping Bay Area youths off the streets. Your generous donation helps us continue developing our boxing program, which provides a positive, safe, environment where our youth can remain active, build self-confidence, learn sportsmanship and leadership.

DONATION FORM

Please print this form and complete the information below to ensure proper preparation of your tax receipt (please print clearly). Please make a copy for your records.

Date:

Donor Name:

Organization Name (if applicable)

Address

Suite / Apt No

City

State

ZIP

Email (optional)

Phone (optional)

Mobile phone (optional)

I am a Fire In the Ring (check all that apply): ☐ Member ☐ Volunteer ☐ Parent

CONTRIBUTION

I would like to make a contribution to Fire In the Ring in the amount of:

☐ \$20 ☐ \$40 ☐ \$80 ☐ \$100 ☐ \$200 ☐ Other \$ _____

Select payment option:

☐ I have enclosed a **check** payable to Fire In the Ring Boxing, Inc.

☐ I would like Fire In the Ring Boxing to charge my **credit card**:

<input type="checkbox"/> Visa <input type="checkbox"/> MasterCard	Card number:	Exp. Date:	CVV:
<input type="checkbox"/> AMEX <input type="checkbox"/> Discover			
Cardholder's name and address (if different from above):			
Signature:			

☐ I have made a contribution in the form of a **gift**.

Thank you for your contribution. Please mail completed form to our main office at 180 Industrial Way, Brisbane, CA 94005. If you have any questions, please contact us directly at (415) 859-5568.

180 Industrial Way | Brisbane, CA 94005 | (415) 859-5568 | www.fireinthering.com
fireinthering415@gmail.com | Tax ID #47-1714973