



# CITY of BRISBANE

## Open Space and Ecology Committee Meeting Agenda

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Wednesday, February 22, 2023 at 6:30 P.M. • Hybrid Meeting

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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 Committee Members, while allowing for public participation. Accordingly, the public may observe Committee meetings and/or address the Committee using remote public comment options or have the option to attend Committee meetings in person. Please be advised that Committee members may continue to participate in the meeting remotely. The Committee may take action on any item listed in the agenda.

### TO ADDRESS THE COMMITTEE

#### IN PERSON

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

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

#### REMOTE PARTICIPATION

Members of the public may observe/participate in the Committee Meeting by logging into the Zoom Webinar listed below. Committee Meetings can also be viewed live and/or on-demand via the City's YouTube Channel, [www.youtube.com/brisbaneca](http://www.youtube.com/brisbaneca), or on Comcast Channel 27. Archived videos can be replayed on the City's website, <http://brisbaneca.org/meetings>. Please be advised that if there are technological difficulties, the meeting will nevertheless continue. The agenda materials may be viewed online at [www.brisbaneca.org](http://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 meeting, the following email will be also monitored during the meeting and public comments received will be read into the record during Oral Communications or during an Item.

Email: [aetherton@brisbaneca.org](mailto:aetherton@brisbaneca.org)

Join Zoom Meeting: [www.brisbaneca.org/osec-zoom](http://www.brisbaneca.org/osec-zoom)

Meeting ID: 976 4295 0160

Call In Number: 669.900.9128

**SPECIAL ASSISTANCE**

*If you need special assistance to participate in this meeting, please contact Adrienne Etherton at [aetherton@brisbaneca.org](mailto:aetherton@brisbaneca.org) or (415) 508-2118. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

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**MEETING SETUP AND INTRODUCTION**

**CALL TO ORDER**

**ROLL CALL**

**ADOPTION OF THE AGENDA**

**ANNOUNCEMENTS**

**ORAL COMMUNICATIONS**

- A. Biden Admin Response to Climate Emergency Declaration letter

**OLD BUSINESS – DISCUSSION WITH COUNCIL LIAISONS: Mayor Pro-tem O’Connell, Councilmember Mackin**

- B. Dark Skies Certification
- C. 2023 Draft Work Plan

**BREAK**

**APPROVAL OF THE MINUTES**

- D. Minutes of January 25, 2023

**STAFF UPDATES**

**SUBCOMMITTEE REPORTS**

**CALENDAR ITEMS**

**CHAIR AND COMMITTEE MEMBER MATTERS**

**NEXT MEETING:** March 22, 2023

**ADJOURNMENT**

A.

**File Attachments for Item:**

A.

**Fwd: Response to Your Message**

Padilla, Ingrid <ipadilla@ci.brisbane.ca.us>

Fri 2/3/2023 3:27 PM

To: Etherton, Adrienne <aetherton@brisbaneca.org>; Mackin, Coleen <cmackin@ci.brisbane.ca.us>

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**From:** The White House <noreply@contact.whitehouse.gov>

**Sent:** Wednesday, January 11, 2023 4:50 PM

**To:** Padilla, Ingrid <ipadilla@ci.brisbane.ca.us>

**Subject:** Response to Your Message



THE WHITE HOUSE  
WASHINGTON

January 11, 2023

Dear Mayor Coleen,

Thank you for writing to me about the urgent climate crisis. The science confirms what we all know to be true—wildfires, droughts, flooding, extreme heat, and intense storms are putting millions of lives at risk. However, we can still turn crisis into opportunity.

When I think of climate change, I also think of good-paying union jobs that boost our economy and help make clean energy accessible to all Americans. I think of Americans leading the world to tackle one of the most consequential challenges of our time. And I think of passing down a healthier planet to our children and grandchildren.

That is why I was so proud to sign the historic Inflation Reduction Act, which takes the most aggressive climate action ever in our history. This law will slash emissions and bring down energy costs by incentivizing clean energy here in America. It offers tax credits for buying American-made electric cars and provides families with rebates to buy new and efficient appliances and to weatherize their homes. It cuts pollution from ports and highways and strengthens our country's grid. And it advances environmental justice, creating generations of clean-energy jobs and

apprenticeships in frontline and fence-line communities.

All of this builds on the climate foundation I've laid since taking office, restoring American leadership to address the existential issue of our time. We are on track to meet my goal of slashing greenhouse gas emissions in half by 2030. With the Bipartisan Infrastructure Law, we are modernizing public transit and school buses, installing a nationwide electric vehicle charging network, cleaning up legacy pollution, and delivering clean water. This progress aligns with the goals laid out in my Justice40 initiative, which pledges 40 percent of the overall benefits of climate and clean energy investments to disadvantaged communities.

There is so much more to do, but the American people can have confidence that we are on the right track, building a future worthy of the hopes and dreams of generations to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Biden", with a long, sweeping diagonal line extending from the bottom left of the signature.

*If you wish to receive regular email updates from the White House, please [click here](#). You may also follow President Biden and the White House on [Facebook](#), [Instagram](#), [Twitter](#), and [YouTube](#).*

[White House Website](#) | [Privacy Policy](#) | [Contact the White House](#)

*B.*

**File Attachments for Item:**

B. Dark Skies Certification



## OPEN SPACE AND ECOLOGY COMMITTEE AGENDA REPORT

**Meeting Date:** February 22, 2023

**From:** OSEC & Planning Staff

**Subject:** “Dark Skies” outdoor lighting ordinance

### Purpose

Receive direction on whether to pursue International Dark Sky Community certification or a more flexible outdoor lighting ordinance customized to Brisbane’s needs.

### Recommendation

Staff recommends preparation of a customized, locally-appropriate outdoor lighting ordinance for City Council consideration.

### Background

Dark starry nights, like natural landscapes, clean water, and clear unpolluted air, are valued in many ways by Brisbane’s residents and visitors. Outdoor light pollution degrades the nighttime environment and particularly disrupts migrating species, human rest, and natural processes that remove pollutants from the air. To that end, members of OSEC have long been interested in promoting dark sky awareness and protection in Brisbane and have been for some time working with staff to craft an outdoor lighting ordinance through an ad hoc subcommittee. While the subcommittee voiced their preference for developing an ordinance that would meet standards set by the International Dark Sky Association at the beginning of this process, there has been ongoing discussion between staff and the subcommittee on whether this goal is achievable.

The International Dark-Sky Association is an organization that recognizes legally organized cities and towns that have shown “exceptional dedication to the preservation of the night sky through the implementation and enforcement of a quality outdoor lighting ordinance, dark sky education and citizen support of dark skies”.<sup>1</sup> Such places may apply for certification as an International Dark Sky Community (IDSC). Successful applications must demonstrate that the community’s lighting code meets specific criteria and include documentation of community commitment to dark skies. The application process takes on average 1-3 years from initial inquiry to the formal designation.<sup>2</sup>

As published on the International Dark-Sky Association website, so far only two communities in California are listed as IDSC-certified, Julian and Borrego Springs. Both are located in unincorporated San Diego County and use the same ordinance to meet IDSC certification

<sup>1</sup> <https://www.darksky.org/our-work/conservation/idsp/communities/>

<sup>2</sup> <https://www.darksky.org/our-work/conservation/idsp/become-a-dark-sky-place/>

requirements. The region covered by the ordinance includes two observatories, Palomar and Mount Laguna, and abuts Anza Borrego Desert State Park, which encompasses 12 designated wilderness areas. Julian and Borrego Springs both have permanent community groups dedicated to dark sky awareness: Julian Dark Sky Network & Borrego Dark Sky Coalition.

## **Discussion**

Staff notes the City would require significant additional resources for requisite plan check requirements, inspections, and code enforcement of an IDSC-compliant ordinance and ongoing programming required to achieve and maintain certification.

Specific concerns include the need to regulate publicly owned lighting/signage, which the City Engineer has concern about the limitations of, and Police Department concern over security in commercial districts. Community Development is concerned about the disproportionate impact of IDSC compliance materials adding complexity to applicant preparation and plan check of minor remodel or tenant improvement projects, and subsequent potential for chilling permit applications. If the city wished to exempt lighted holiday stars on homes and businesses, the ordinance may not qualify for certification. Furthermore, while any ordinance would necessarily include public input, IDSC certification requires robust and documented community engagement and buy-in prior to consideration of an ordinance and ongoing community commitment to dark skies education. Additional resources required would include additional code enforcement staff, including some working evening hours, which may be challenging to hire, train and retain, and would have attendant budgetary impacts.

To give an example, to be eligible for IDSC certification, Brisbane's outdoor lighting ordinance would need to 1) restrict the total amount of unshielded lighting by site and 2) evaluate total light output by site. Evaluating lighting on a per-site basis would require complete lighting inventories, which is burdensome for applicants as well as planning staff. However, there are alternatives that would meet the objective of a quality outdoor lighting ordinance and are achievable, such as restrictions on lighting types and shielding requirements which are evaluated on a per-fixture basis.

Staff has shared these concerns with the subcommittee and provided research and draft ordinance language for their consideration of a comprehensive outdoor lighting ordinance that is substantially based on the IDSC certification criteria that is tailored to the City's unique setting, mix of land uses, and staff resources. This approach will allow for a customized, locally-appropriate ordinance that can be implemented quickly and achieve significant reductions in nighttime light pollution. Staff suggests establishing a monitoring period following adoption of such an ordinance so that staff and OSEC can evaluate its effectiveness and then determine whether IDSC certification is desired and/or feasible to pursue in the future.



C.

**File Attachments for Item:**

C. 2023 Draft Work Plan

# 2023 OSEC Work Plan

The Open Space and Ecology Committee provides policy and programmatic recommendations on environmental issues.

## Priority projects:

- Advance draft Dark Skies/Outdoor Lighting ordinance recommendation
- Consider reach codes for existing buildings
- Study and draft invasive species ordinance
- Study and recommend plans to restore and protect the Crocker Trail Frog Habitat
- Support the health and growth of the urban tree canopy through a Tree Inventory / Urban Forestry Plan, education and outreach, and/or formation of an urban tree group

## Routine/ongoing efforts:

- Review and approve annual vegetation management plan for Brisbane Acres
- Annually receive status on and/or review Open Space Plan implementation
- Review and recommend plans to meet Climate Emergency Declaration goals
- Provide input on three to four habitat restoration days per year
- Education and Outreach
  - Day in the Park community festival
  - Bike to Work Day
  - Lipman Science Fair
  - Library display
  - Publications through City e-blast, Star, website, social media sites and MCTV

## Long-term policy issues (to be addressed if/when they arise):

- Coordinate 2030 Climate Action Plan update with Baylands Specific Plan
- Provide input on design of Baylands open space upon Council approval of land use
- General Plan - Review of future proposed updates to Open Space Element

## Requested items:

- Provide input on Quarry Development

*D.*

**File Attachments for Item:**

D. Minutes of January 25, 2023



# CITY of BRISBANE

## Open Space and Ecology Committee Meeting Minutes

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Wednesday, January 25, 2023 at 6:30 P.M. • Hybrid Meeting

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### MEETING SETUP AND INTRODUCTION

#### CALL TO ORDER – 6:32 PM

#### ROLL CALL

Committee members present: Becker, Calmes, Ebel, Fieldman, Rogers, Salmon

Staff members present: Deputy Director of Public Works, Kinser; Sustainability Manager, Etherton; Sustainability Assistant, Regan; City Clerk, Padilla

#### ADOPTION OF THE AGENDA

Etherton proposed a change to the order of the agenda items to move up Padilla's presentation.

Salmon moved to adopt the agenda with the proposed change and Fieldman seconded; the motion was adopted by roll call vote with Becker abstaining.

**ANNOUNCEMENTS** – Salmon announced San Bruno Mountain Watch event: Winter Plant Sale at Mission Blue Nursery scheduled for Saturday January 28, 2023 from 10am-3pm.

**ORAL COMMUNICATIONS** – None.

**APPROVAL OF THE MINUTES** – Becker moved to approve the minutes and Salmon seconded. Adopted unanimously by roll call vote.

#### NEW BUSINESS

##### D. Review of New Brown Act Provisions

City Clerk Padilla walked the committee through upcoming changes to meeting format under SB 2449, including the table and frequently asked questions (FAQ) document attached below, and responded to questions. Committee members are generally concerned that in-person meeting requirements will discourage participation and cause business items to take longer. Padilla offered to pass along opportunities for advocacy.

##### C. Dark Skies Certification Discussion

Etherton introduced staff perspective on why pursuing dark skies certification would be overly onerous and explained why staff is recommending foregoing certification and focusing on an effective localized ordinance. Etherton noted that the OSEC City Council liaisons will be attending the February meeting.

Dark Skies subcommittee members (Ebel, Becker, Salmon) added their feedback, and the committee reached a general consensus that certification is not the goal, but instead a strong locally-appropriate ordinance that gets as close to “certifiable” as possible while still being achievable for staff to implement. The group still wished to discuss with the City Council liaisons at the next meeting.

## **OLD BUSINESS**

### **B. 2023 OSEC Work Plan**

Etherton introduced the draft work plan which had been revised per previous discussion to categorize items as: priority projects, routine/ongoing efforts, or long-term policy issues (to be addressed if/when they arise).

Committee members asked about providing input on the development proposal for the Quarry. Since OSEC input on development is only when specifically requested by Council, we will add this under a new category for requested items.

The committee will discuss with City Council liaisons at the February meeting before it is presented to the full council for approval.

## **STAFF UPDATES**

### **Etherton:**

- Weed Management Area: Didn’t get funding for a ‘burn box’ but State Parks recently acquired one that may be loanable. Staff from City of South San Francisco will take a turn as the urban representative on the Steering Committee (a role Bob Sage had previously filled). The group approved the WMA’s 2023-27 Strategic Plan after an interesting presentation from the Resource Conservation District’s biologist, Cleo Taday. Since she is also working on our frog habitat project, we may be able to get a presentation later.
- EV charging: 10 L2 chargers being installed, 7 for the public and 3 for Brisbane PD fleet, at City Hall, with 10 additional public chargers each at Mission Blue Center and Bayshore Park & Ride coming later. Brisbane Village L3 charger is out of service until a replacement can be found; the first generation ChargePoint model is reaching end-of-life in March 2023. Staff is looking for grants and other options to replace it.
- Heat pump water heaters: program for public facilities is continuing and did a couple site visits. Looks like Mission Blue Center may receive a replacement soon; likely at no cost to the City.

### **Regan:**

- Brisbane Building Efficiency Program is preparing for audit requirements for commercial buildings (about 30 out of 100 total buildings on the roster). Starting this year, in addition to annual energy & water reporting requirements, commercial buildings must

show that they are high-performing or conduct an audit and take steps to improve the building.

#### **SUBCOMMITTEE REPORTS AND REORGANIZATION**

- Climate Action Plan (Becker, Ebel, Fieldman) – disband until we can work on a Climate Action Plan update. Add an ad hoc subcommittee to work on reach codes.
- \*Crocker Trail Frog Habitat (Rogers, Salmon, Calmes) – Nunan will replace Salmon
- \*Sierra Point Park Planning (Ebel) – at the last meeting, consultant CMG presented three different plans. Ebel & Kinser report that there was conversation about layered usages, costs, impact from sea level rise. Plans will be open for public engagement on Jan 31, see city calendar for event information.
- \*Lipman Science Fair Judging (Ebel, **Rogers**) – Judges night is Feb 13 from 7-8pm, event is Feb 16 from 6-8pm

**CALENDAR ITEMS** – Planting day on Feb 4<sup>th</sup> in Northeast Ridge. Day in the Park is October 7<sup>th</sup>.

**CHAIR AND COMMITTEE MEMBER MATTERS** – Becker expressed thanks to city staff for work during recent storms.

**NEXT MEETING:** February 22

**ADJOURNMENT – 8:46 PM**

## Supplemental Information: SB 2449

Ways Members of the Legislative Body Can Participate after 2/28/23

Our current understanding of the guidelines based on SB 2449

	Notes for Members	Notes for Staff
In Person	Meetings held in person at Brisbane City Hall 50 Park Place, Brisbane	If a meeting of a legislative body of a local agency lacks a quorum, it does not constitute a meeting under the Brown Act. Cal. Gov't Code § 54952.2.
No Show	Check bylaws about attendance	Check bylaws about attendance
Virtual <u>using Just Cause Clause</u>	<p>child care or caregiving of a child, parent, grandchild, grandparent, sibling, spouse or domestic partner; a contagious illness; a need related to physical or mental disability; or travel on business of the local agency</p> <p>The member must <u>notify</u> the legislative body at the earliest opportunity and provide a general description of the circumstances above</p> <p>Email Notice- chair, clerk or staff lead provide a general description of the circumstances <u>above</u></p> <p>Limited 2 per year (per legislative body)</p>	<p>There has to be an in-person <u>quorum</u></p> <p>Email Notice- chair, clerk or staff lead provide a general description of the circumstances above</p>
Virtual <u>using Emergency Clause</u>	<p>No limit there has to be a true emergency such as a physical or family medical emergency that prevents a member from attending a meeting in <u>person</u></p> <p>Email request- chair, clerk or staff lead provide a general description of the circumstances <u>above</u></p>	<p>There has to be an in-person <u>quorum</u></p> <p>In the agenda have a standing item under Consent Calendar for <u>Emergency Clause</u></p>

	Legislative body must consider the request at the earliest possible time and must approve the request if the member is to be allowed to participate <u>remotely</u>	
Teleconferencing ( <u>Only Audio (in Zoom only audio); can't turn on video</u> )	The Brown Act allows teleconference meetings if they comply with the following specifications: The teleconference location is accessible to the <u>public</u> and it is noted in the agendas; The meeting is useful to the public and the legislative body;  Post meeting notice on the door	There has to be an in-person <u>quorum</u>  Post location in the agenda

## FAQs

### 1. Are these the same procedures for attending Subcommittee meetings?

The requirements of the Brown Act apply to “legislative bodies” of **local governmental agencies**. The term “legislative body” is defined to include the governing body of a local agency (e.g., the city council) and any commission, committee, board or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body (Section 54952). This includes subcommittee meetings but not ad hoc subcommittees.

### 2. What happens if there are technical difficulties during the meeting?

As long as interactive audio is maintained (i.e., even when the live stream and/or cable channel is down)— the meeting can continue and legislative can vote on an item.

If there is no longer interactive audio (i.e., Zoom is no longer working), legislative bodies can not vote on an item, however, the members of the legislative body can continue discussing and asking questions.

If technology come back on, legislative body can have more public comment on that item and then vote on the item.