



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING AGENDA THURSDAY, OCTOBER 17, 2024

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

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

Mayor O'Connell called the meeting to order at 7:31 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

No Councilmembers made a request under the Emergency Circumstances of AB 2449. Councilmember Davis joined via Teleconference at 251 Mendocino St. Brisbane, California.

Councilmembers present: Councilmembers Cunningham, Davis Lentz, Mackin, and Mayor O'Connell
Councilmembers absent: None

Staff Present: City Manager Dennis, City Clerk Padilla, Legal Counsel Roush, City Engineer Breault, Community Development Director Swiecki, Human Resources Director Partin, Senior Planner Johnson, Associate Planner Robbins, Communications & Digital Media Coordinator Ordoña and Administrative Management Analyst Ibarra

ADOPTION OF AGENDA

It was requested to adjourn the meeting in memory of the lives lost in the 1989 Loma-Prieta earthquake. Councilmember Lentz made a motion, seconded by Councilmember Cunningham, to adopt the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

ORAL COMMUNICATIONS NO. 1

Peter Sutherland announced he was present in the meeting but did not wish to speak at this time.

AWARDS AND PRESENTATIONS

B. Proclamation for Domestic Violence Prevention Month

Mayor O'Connell proclaimed October 2024 as Domestic Violence Awareness and Prevention Month, to raise awareness about and encourage all residents to do their part to help rid our community of intimate partner violence.

Accepting the proclamation was Lynn Schuette from CORA, a community based nonprofit organization that provides safety, support and healing for individuals who experience abuse in an intimate relationship and educates the community to break the cycle of domestic violence.

C. The Great Shake Out-- Earthquake Preparedness Update

City Engineer Randy Breault provided an earthquake preparedness update noting that today's date was the anniversary of the 1989 Loma-Prieta earthquake.

CONSENT CALENDAR

D. Approve Minutes of City Council Meeting of October 3, 2024

E. Approve Minutes of City Council Special Meeting of October 3, 2024

F. Approve Minutes of City Council Meeting of September 5, 2024

G. Approve the "Amended and Restated Emergency Intertie Agreement" and Authorize the City Manager to Sign the Document on the City's Behalf

(The environmental documents for development at 800-1800 Sierra Point Parkway and 3000-3500 Marina Boulevard both required mitigations to modify an existing water intertie agreement between the City of Brisbane and the California Water Service Company, and the need to modify the existing 16" interconnection. The cost of constructing the modified interconnection is borne by the two developments. The proposed agreement and the foreseen modification of the existing intertie were both reviewed and previously received CEQA clearance. No further review is required.)

H. Adopt the Resolution to Revise the Start Date for a Trial Residential Parking Permit Program on Thomas Ave on November 1, 2025

I. Adopt a Resolution to Revise the Conflict of Interest Code to Include New Classifications or Categories of Public Officials

J. Adopt a Resolution to Amend the Master Pay Schedule to Meet the New Minimum Wage Requirement

Mayor O'Connell shared that staff has requested to pull Consent Calendar Item D for edits and will bring back the item at a future Council meeting and a correction for Item H.

Councilmember Cunningham made a motion, seconded by Councilmember Mackin, to approve Consent Calendar Items E-G, and I-J. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

City Manager Dennis reported that staff has an amendment to Item H. Item H's title on the agenda had indicated the wrong year – it should be 2024 instead of 2025. The recommendation section also repeated the incorrect date.

Councilmember Cunningham made a motion, seconded by Councilmember Mackin, to approve Consent Calendar Item H with that correction. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

OLD BUSINESS

K. City Council Consideration of R-BA Zoning District Issues Including Protection of City-Owned Open Space, Public Street Standards and Related Development Standards, Ownership of Non-Public Roadways, And Solar Shading

(These issues were raised in the City Council's consideration of 2024-RZ- 1 on September 5, 2024 but the issues were largely collateral to the item itself; City staff has placed these issues on the agenda for Council consideration.)

Community Development Director Swiecki presented on the following R-BA Zoning district issues:

- Mechanisms for protection of city owned open space lots in Brisbane Acres
- Limits of public vs. private streets in the Brisbane Acres
- Street standards & safety for emergency ingress/egress
- Solar Shading Protection

After Council questions, Sherry Goodwin made a public comment with a slide presentation on acres development and fire danger.

Paul Bouscal commented that open space just means public property and is concerned that 5 councilmembers can change the property distinction.

Peter Sutherland asked staff to research status of ownership for the easement on Beatrice and who will be responsible for the retaining wall and safety corridors.

Councilmembers wanted to continue their discussion of Old Business Item K after Public Hearing Item L.

PUBLIC HEARING

L. Consider Introducing an Ordinance Approving a Zoning Text and Map Amendment 2024-RZ-1, Overlay to R-1 Residential District and the R-BA Brisbane Acres Residential District in Entirety

(It is being recommended to introduce an ordinance approving a zoning text and map amendment 2024-RZ-1 amending regulations within Title 16 and 17 of the Brisbane Municipal Code to add the R-TUO residential two unit overlay district as new chapter 17.05 and related amendments; and finding that this project is exempt from environmental review under CEQA Guidelines Sections 15061(b)(1) & (3), Section 15183. This item was on and discussed at the City Council Meeting of September 5, 2024; the public hearing was closed but the item continued to a future date.)

Community Development Director Swiecki discussed the issue of evaluating the timing of the courtesy Notice for SB 9 applications. Adding that given the ministerial nature of SB 9 applications, regardless of the timing, any notice will clearly specify the nature of the application and that the notice is for informational purposes only. He added that staff is recommending to introduce the ordinance amending the zoning text and zoning map to establish the R-TUO Residential Two Unit Overlay district and related code amendments. The draft ordinance, text and map, were provided in the staff report.

After council questions, Mayor O'Connell presented an amended Zoning Map to provide more protection for the City-owned properties. She then opened the public hearing. After no public comments, Councilmember Lentz made a motion, seconded by Councilmember Cunningham, to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

After council discussion, Councilmember Cunningham made a motion, seconded by Councilmember Lentz, to introduce an Ordinance Approving a Zoning Text and Map Amendment 2024-RZ-1, Overlay to R-1 Residential District and the R-BA Brisbane Acres Residential District in Entirety with an amended zoning map for the 2024-RZ-1 zoning amendment based on Mayor O'Connell's drawing. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

In terms of Old Business Item K, Councilmembers directed staff to explore two avenues to protect critical habitat in the Brisbane Acres: 1) Declaration of Restrictions on City-Owned property in the Brisbane Acres, and 2) Zoning changes to the City-Owned lots to an open space designation. And Councilmembers directed staff to explore options to ensure that residents can install solar systems from shading from adjacent developments.

M. Consider Adoption of a Resolution of the City Council of the City of Brisbane Amending the Community Health and Safety Element of the General Plan to Incorporate the City of Brisbane's 2021 Local Hazard Mitigation Plan into the Element

(To purpose of this item is to amend the Community Health and Safety Element of the General Plan to reflect the most recently adopted Local Hazard Mitigation Plan to comply with State Assembly Bill 2140. This project is exempt from environmental review under CEQA Guidelines Section 15061(b)(3).)

Community Development Director Swiecki reported that this resolution needs to be passed to comply with State Assembly Bill 2140. If passed, the resolution will amend the Community Health and Safety Element of the General Plan to reflect the most recently adopted Local Hazard Mitigation Plan. After Council questions, Mayor O'Connell opened the public hearing. After no public comments, Councilmember Cunningham made a

motion, seconded by Councilmember Lentz, to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

Councilmember Cunningham made a motion, seconded by Councilmember Lentz, to adopt a resolution amending the Community Health and Safety Element of the General Plan to Incorporate the City of Brisbane's 2021 Local Hazard Mitigation Plan into the Element. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

N. Consider Introducing an Ordinance Approving a Zoning Text Amendment 2024-RZ-2, City-wide

(It is being recommended to introduce an ordinance approving omnibus zoning amendments to modify the development standards for multifamily and residential mixed use zoning districts consistent with California Senate Bill SB 478 ("housing opportunity act") and as provided in the 2023-2031 Housing Element; and finding that this project is exempt from environmental review under CEQA Guidelines Sections 15061(b)(3), Section 15183. This item was on the City Council Meeting of September 5, 2024 but not discussed at this time.)

Senior Planner Johnson outlined the contents of the ordinance. The purpose of this ordinance, if adopted, is to approve omnibus zoning amendments to modify the development standards for multifamily and residential mixed use zoning districts consistent with California Senate Bill SB 478 ("housing opportunity act") and as provided in the 2023-2031 Housing Element.

After Council questions, Councilmember Mackin made a motion, seconded by Councilmember Lentz, to extend the meeting until 11:00 P.M. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

Mayor O'Connell opened the public hearing. After no public comments, Councilmember Lentz made a motion, seconded by Councilmember Cunningham, to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

During discussion, Council discussed the Planning Commission’s recommendation that the height limits in the R-1 and R-BA single family residential zoning districts should also be increased to 36 feet. Council also discussed other amendments proposed in the draft ordinance would help streamline permitting related to both new housing development and improvements to existing homes including the role of the Zoning Administrator.

After further Council discussion, Mayor O’Connell made a motion, seconded by Councilmember Cunningham, continue the public hearing item to a future meeting and receive more information from staff on RZ-2 issues. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

STAFF REPORTS

O. City Manager’s Report on Upcoming Activities

City Manager Dennis reported on city events and latest news.

MAYOR/COUNCIL MATTERS

P. Countywide Assignments and Subcommittee Reports

After Council reports, Councilmember Mackin asked for the item on the use of State and Local Fiscal Recovery Funds be placed on a future agenda to formalize the revenue replacement for Fiscal Year 2025. Councilmember Cunningham reported on the Home Electrification Tour. Councilmember Lentz asked Guadalupe Quarry Development Project EIR review to educate the public about the process.

Q. Written Communications

No written communication was received.

ORAL COMMUNICATIONS NO. 2

No member of the public wished to speak.

ADJOURNMENT

Mayor O’Connell adjourned the meeting at 11:00 P.M. in honor of the lives lost at the 1989 Loma-Prieta earthquake.

Ingrid Padilla
City Clerk