



CITY COUNCIL/REDEVELOPMENT/GVMID

MINUTES

DRAFT

CITY COUNCIL REGULAR MEETING

February 2, 2009

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

CALL TO ORDER/FLAG SALUTE

Mayor Richardson called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL

Councilmembers present:	Barnes, Bologoff, Conway, Waldo, and Mayor Richardson
Staff present:	Police Chief Hitchcock, City Manager Holstine, Civil Engineer Kinser, Community Development Director Prince, Deputy City Manager/Administrative Services Director Schillinger, City Clerk Spediacci, City Attorney Toppel

ADOPTION OF AGENDA

Mayor Richardson indicated that she would like to remove Item F from the "Consent Calendar."

CM Conway proposed continuing Item B of "Old Business" to the next meeting. City Manager Holstine suggested hearing the consultant's presentation at this meeting and then continuing the matter. Councilmembers expressed support for this approach.

CM Barnes made a motion, seconded by CM Bologoff, to adopt the agenda as proposed. The motion was carried unanimously by all present.

ORAL COMMUNICATIONS NO. 1

Terry O'Connell, Brisbane resident, expressed concern about kids on mini-bikes and motorcycles operating on city streets without headlights at night. She said the offenders are not wearing helmets, are not looking out for traffic, and are running stop signs, creating a hazard to pedestrians and other motorists. She reported that she has called the police, but the problem

continues.

Police Chief Hitchcock said he would follow up on this complaint.

CONSENT CALENDAR

CM Barnes asked to pull Item C, and CM Conway requested that Item A be removed.

- B. Approve Monthly Investment Report as of November 30, 2008**
- D. Approve agreement with the San Mateo County Transportation Authority for distribution of the San Mateo County Measure A funds**
- E. Approve Community Park Day Use Permit application for use of the Community Park gazebo and picnic tables for a wedding ceremony and reception on Sunday, September 27, 2009**
- G. Approve letter to U.S. Department of Justice agreeing to accept funds pursuant to settlement agreement between San Bruno Mountain Watch and Brookfield Northeast Ridge II, LLC**

CM Waldo made a motion, seconded by CM Conway, to approve Items B, D, E, and G. The motion was carried unanimously by all present.

- A. Adopt City Council Minutes of January 5, 2009**

CM Conway drew attention to the first paragraph on Page 7. He clarified that the subcommittee reviewed the rate structure, and proposed changing the word “developing” to “reviewing.”

CM Waldo made a motion, seconded by CM Barnes, to adopt the January 5 minutes as amended. The motion was carried unanimously by all present.

- C. Adopt Ordinance No. 536, waiving second reading, adding Chapter 8.44 to the Brisbane Municipal Code concerning skateboard parks**

CM Barnes noted that this ordinance allows the City to fine people for not wearing protective equipment when using the skatepark. He reported that he discussed this issue with someone from Los Osos, a community with a similar ordinance, who indicated that imposition of fines reduced the number of teens using the skatepark. CM Barnes commented that this approach seems counterproductive, although it is consistent with state law.

Mayor Richardson observed that using skateboards without protective equipment can result in

serious injuries. She supported the ordinance as a way of making this potentially dangerous activity safer.

CM Barnes made a motion, seconded by CM Bologoff, to adopt Ordinance No. 536 as proposed. The motion was carried unanimously by all present.

F. Approve the proposed tree replacement plan for San Mateo Lane and Brisbane Fire Station 81 and authorize a supplemental appropriation of \$4,000 from the General Fund to pay for the cost to purchase and install the trees

Mayor Richardson observed that there seems to be consensus regarding tree replacement for San Mateo Lane, and she suggested going forward with that part of the plan. She noted the City Manager will be meeting with community members to discuss the remaining work, and recommended waiting for their input before dealing with tree replacement elsewhere.

CM Waldo made a motion, seconded by CM Barnes, to approve the tree replacement plan for San Mateo Lane.

Michele Salmon, Brisbane resident, recommended replacing the trees on San Mateo Lane with native species like those farther up the canyon, such as buckeye, oak, and toyon. She asked the City Council to reconsider the tree replacement plan for that area.

CM Conway agreed with Ms. Salmon and suggested soliciting feedback from the California Native Plant Society before proceeding.

CM Barnes observed that two of the proposed replacement species are oaks, and the third is flowering cherry. He asked if flowering cherry was considered a native species. Ms. Salmon responded that flowering cherry was not a native. CM Barnes suggested substituting buckeye instead of the flowering cherry.

CM Conway recommended consulting with experts to make sure native species would thrive in that location.

CM Waldo withdrew his motion, and CM Barnes withdrew his second.

CM Barnes proposed substituting buckeye for the flowering cherry. CM Conway advocated consulting experts like the Native Plant Society or San Bruno Mountain Watch.

CM Barnes expressed reservations about embarking on a process that may not resolve the issue.

CM Waldo asked who recommended the replacement trees. City Manager Holstine stated that

the Public Works Department and Fire Department identified suitable trees using the City's approved list of street trees.

City Manager Holstine suggested that the staff meet with representatives of organizations with expertise in this area and come back with specific recommendations. Councilmembers agreed to wait for that input. CM Waldo asked the staff to have recommendations ready within a month.

PUBLIC HEARING

- A. Consider introduction of Ordinance No. 534, waiving first reading, amending Chapter 17.02 of the Zoning Regulations and the SP-CRO Sierra Point Commercial District Regulations to permit child care centers and approve Mitigated Negative Declaration; Walmart.com, applicant; APN 007-164-010 & -020, 007-165-110 & -120**

Community Development Director Prince noted that Ordinance No. 534 would amend the Sierra Point zoning regulations to allow child care centers. He said the applicant, Walmart.com, proposes opening a childcare center for its employees and others in an office building at Sierra Point. He advised that staff conducted an initial environmental assessment and identified a number of mitigation measures to be incorporated in the ordinance to reduce or eliminate possible significant effects of exposure to vehicle emissions from the freeway, noise impacts, parking impacts, and exposure to contaminated soil. Community Development Director Prince reviewed the proposed mitigation measures.

Community Development Director Prince noted that under the ordinance, applications for childcare centers would be subject to use permits, which could be granted on a discretionary basis. He said the Planning Commission unanimously recommended approval of the ordinance.

CM Bologoff asked about the basis for the recommended parking requirements. Community Development Director Prince said one parking space per 300 square feet of floor area is the standard requirement for office buildings. Senior Planner Tune advised that the requirement of one space per five children is used by both Foster City and South San Francisco.

CM Conway expressed concern about exposing children to hazardous substances, especially given the seismic potential of the site. Community Development Director Prince acknowledged that there are a number of geotechnical issues that would need to be addressed as part of the use permit process. He clarified that the proposed ordinance simply allows childcare centers as a discretionary use, subject to further analysis. He noted that the City can deny a use permit if the investigation indicates the site cannot be mitigated to an appropriate level of safety. He added that Walmart.com has not yet selected a particular building for its proposed childcare center, so the specific site conditions and mitigation measures have not been identified.

CM Bologoff asked if the buildings at Sierra Point were seismically safe. He noted that the City previously assumed the buildings at Crocker Park were safe, but many of them are undergoing seismic retrofits. Community Development Director Prince pointed out that the buildings at Sierra Point are newer than those in Crocker Park, so they were constructed under more rigorous building codes. He observed that building codes change over time, and new provisions are added to reflect lessons learned in each major earthquake. He said the most recent environmental impact report (EIR) for the five-building biotech campus evaluated potential seismic risks and liquefaction hazards. He remarked that three of the buildings at Sierra Point were present during the 1989 Loma Prieta earthquake and performed well in spite of the strong shaking.

Mayor Richardson opened the public hearing and invited comments from audience members.

Terry O'Connell applauded the applicant's desire to provide on-site childcare for employees. She reported that while walking her dogs at Sierra Point, she frequently sees materials that were dumped in the old landfill. She expressed concern about exposing children to potentially hazardous materials. Ms. O'Connell reminded the Council that children could be spending several years in a childcare facility if they attend preschool and after-school programs.

Ms. O'Connell said she was also worried about the limited access to Sierra Point and liquefaction potential. She noted that parents will have difficulty reaching their children in the daycare center in the event of an emergency, and cited the example of the parents who died trying to access their children after the 9/11 attacks on the World Trade Center. She urged the Council to restrict the daycare center to employees' children only rather than serving people who do not work at Sierra Point.

There being no other members of the public who wished to address the City Council on this matter, CM Waldo made a motion, seconded by CM Barnes, to close the public hearing. The motion was carried unanimously by all present and the public hearing was closed.

Mayor Richardson noted that concerns about liquefaction would be addressed in the environmental review and use permit process for any specific application, and Community Development Director Prince confirmed that understanding. He added that use permits would be discretionary and subject to CEQA review.

Community Development Director Prince noted that the Walmart.com childcare center could attract children of parents employed at other Sierra Point businesses, and he recommended allowing that flexibility.

CM Barnes asked the staff to respond to the concerns about surfacing of garbage. Community Development Director Prince said he was not aware of any investigations that confirmed the presence of garbage, although there might be problems at certain specific sites. He recalled that

Walmart.com representatives had talked about providing an impermeable outdoor patio as a play area for children.

CM Conway said he liked the idea of businesses providing childcare for employees, but still had concerns about the safety of the area because of its history as a former landfill. CM Waldo noted that any childcare center will keep children in a confined area, minimizing the risk of exposure to outside dangers. CM Barnes commented that the daycare facility his son attended had mostly indoor play areas, and children were closely supervised whenever they went outside.

CM Conway indicated he would feel more comfortable about childcare centers at Sierra Point if they had impermeable barriers or concrete patios to prevent exposure to harmful materials. CM Waldo noted that these mitigation issues would be addressed as part of the use permit process.

Mayor Richardson noted that it might be helpful to find out more about how the Bright Horizons daycare center at Genentech handled these issues.

Community Development Director Prince advised that the Planning Commission had similar concerns but unanimously agreed to recommend the proposed change in zoning regulations.

CM Barnes noted that having on-site daycare facilities gives parents a sense of assurance knowing their children are close by.

CM Waldo made a motion, seconded by CM Barnes, to introduce Ordinance No. 534 as proposed. The motion was carried unanimously by all present.

B. Consider introduction of Ordinance No. 537, waiving first reading, adding Chapter 17.31 to the Municipal Code pertaining to affordable housing

Community Development Director Prince stated that Ordinance No. 537 implements the affordable housing provisions of the General Plan and density bonus incentives required by state law. He said the ordinance would apply to all new developments of six or more units and would require a certain portion of units to be affordable to very low, low, or moderate-income households, and projects with a specified percentage of affordable units, senior units, or childcare facilities would be eligible for the density bonus program. He drew attention to the "Definitions" section for a more detailed description of the projects and types of units that would qualify. Community Development Director Prince added that the City has already been implementing inclusionary housing through development agreements and affordable housing agreements.

Community Development Director Prince displayed a chart showing the exact number of inclusionary units that would be required for projects of different sizes. He said incentives to encourage inclusionary units include allowing smaller size units, different types of units, and different interior finishes and features. He advised that state bonus density law requires at least

10 percent of units in multi-family buildings to be accessible to people with disabilities. He referred to the summary table in the meeting packet showing the types of density bonuses available.

CM Barnes noted that Page 8 indicates that detached single-family inclusionary housing units can be built on smaller lots, and he asked about minimum lot sizes. Senior Planner Tune responded that the City's minimum lot size would still be 5,000 square feet, but within a development, inclusionary units could be built on smaller lots than market-rate units to compensate for their reduced prices. CM Barnes recommended clarifying the language to reflect that intent. He indicated that he would be willing to consider allowing lot sizes of less than 5,000 square feet for affordable units. He added that he lived in a small house on a 2,500-square-foot lot when he first moved to Brisbane, and small lots make economic sense.

CM Conway agreed with CM Barnes that the language on Page 8 should be clarified. He also expressed interest in finding out more about the potential impacts of allowing smaller lot sizes.

Senior Planner Tune indicated that the staff can revise the language on Page 8 to clarify that detached single-family inclusionary units can be on smaller lots than market-rate units, but they must still meet minimum lot size requirements for the subdivision.

CM Barnes noted that the table does not include projects with 200 or more units. Community Development Director Prince said the staff can extrapolate for large projects. CM Barnes suggested developing a formula that would apply to all developments. Senior Planner Tune pointed out that formulas sometimes result in fractions that need to be rounded up or down. He said the Planning Commission discussed this and concluded a standard chart would be better, and the same pattern would apply to larger projects.

CM Bologoff observed that there are many substandard size lots in Brisbane. He noted that Page 3 of the report indicates that the Habitat for Humanity project demonstrates that housing units on smaller lots can blend into the rest of Brisbane. Senior Planner Tune said the density bonus program would allow a developer to build more affordable units on smaller lots. CM Bologoff expressed his opinion that local builders and contractors should be included in the program.

Michele Salmon, Brisbane resident, asked how long inclusionary units will remain affordable. She noted that if inclusionary units are smaller than market-rate units, they will probably have lower values than other houses in Brisbane. She stated that most houses in Brisbane are not affordable to people with moderate incomes in San Mateo County. She expressed concern about increasing density on small lots and allowing developers to build units with features inferior to market-rate units.

CM Waldo advised that single-family inclusionary units are required remain affordable for at least 45 years, and apartment units must be affordable for 55 years.

Community Development Director Prince clarified that if even if affordable units are sold, the new owners will be required to keep the units affordable for 45 more years. He explained that the proposed ordinance complies with the state law requiring cities to offer incentives for building affordable units, and allowing smaller units and less expensive interior finishes are examples of such incentives. He added that developers proposing inclusionary units will have to submit detailed plans regarding the types of units, and the City will have discretion to approve or deny the applications.

Emmett Cunningham, Brisbane, commented that a 200-unit affordable housing project would be much too large for a small town like Brisbane, and he questioned whether the provision in the ordinance would mislead developers into thinking such a project would be acceptable.

Community Development Director Prince clarified that 200 units would be the total number of units in a project, and the percentage of affordable units would be less. He added that Brisbane has had projects as large as 200 units in the past.

There being no other members of the public who wished to address the City Council, CM Barnes made a motion, seconded by CM Waldo, that the public hearing be closed. The motion was carried unanimously by all present and the public hearing was closed.

CM Barnes commented that there is a development in San Francisco offering very small condominium units for sale, totaling about 250 square feet.

CM Conway noted the project at One San Bruno Avenue included some affordable units. Community Development Director said two of the 15 units in that project were affordable. He indicated that the City has been providing affordable units through development agreements.

CM Barnes made a motion, seconded by CM Waldo, to introduce Ordinance No. 537 as proposed, with the language clarification previously discussed. The motion was carried unanimously by all present.

CM Barnes expressed appreciation to the Planning Commission for its thorough and thoughtful review of this ordinance and the childcare proposal for Sierra Point.

OLD BUSINESS

- A. Review the results of the Parking Survey and the Traffic Advisory Committee's (TAC's) recommendations and provide direction to staff and the TAC as deemed appropriate**

Civil Engineer Kinser stated that the City mailed a parking survey to all Brisbane residents last

fall, and about 300 people responded. She said about half the respondents said they were not interested in any changes, about 25 percent expressed interest in participating in a permit pilot program, and another 25 percent advocated enforcement of no-parking restrictions on street sweeping days. She drew attention to the compilation of survey results in the meeting packet.

Civil Engineer Kinser noted that the Traffic Advisory Committee recommends modifying the Municipal Code to allow a simple majority of households to initiate a pilot program for their neighborhood and adding an ordinance to prohibit parking on Visitacion Avenue and San Bruno Avenue on street sweeping days. She observed that parking is not as much a problem in the lower parts of Brisbane as it is in the upper portions.

CM Conway commented that the City needs to define what constitutes a neighborhood for purposes of the pilot programs. Civil Engineer Kinser said the staff will develop a more detailed program for the Council's consideration before making changes in the Municipal Code.

City Attorney Toppel noted that the Municipal Code as written does not define neighborhoods. He suggested allowing people in a given area to define the neighborhood boundaries for themselves when they petition for a parking permit pilot program.

Mayor Richardson said most survey respondents seemed interested in enforcing current parking restrictions that limit parking to 72 hours. She observed that informal meetings of neighbors might be an effective way to instill a sense of respect and courtesy that could eliminate parking problems.

CM Barnes noted that almost two thirds of the survey respondents indicated they were not interested in participating in a pilot program, although the same respondents had a number of ideas about how to create a parking permit programs. He remarked that people might be afraid of how a pilot program might affect them.

CM Barnes expressed support for having a 51 percent majority as a threshold for establishing a permit program. Mayor Richardson agreed.

CM Barnes asked if street sweeping would continue to be part of the National Pollution Discharge Elimination System (NPDES) program. Civil Engineer Kinser responded that the NPDES requirements will probably be renewed, including the street sweeping provisions.

CM Conway recommended requiring at least a 60 percent majority. He expressed concern about forcing people to participate in a pilot project if they oppose the concept. Mayor Richardson pointed out that the people who object are likely to be those who violate the 72-hour restriction.

CM Barnes recalled that the school bond measure failed when a 67 percent majority was required, but it eventually passed when a 55 percent majority was allowed.

Mayor Richardson proposed having a 55 percent majority. CM Conway said he was still uncomfortable with the idea.

CM Waldo noted the City can either ignore the problem or force people to accept permit parking. He expressed his opinion that coercion would be unwise.

CM Bologoff thanked the Traffic Advisory Committee for its and recommendations but proposed leaving things as they are.

CM Barnes made a motion to change the neighborhood approval from 70 percent to 51 percent.

CM Bologoff expressed interest in hearing from Police Chief Hitchcock.

Police Chief Hitchcock said he wrote the original staff report recommending 70 percent. He noted that Brisbane has had long-standing problems with substandard streets and limited parking, and enforcing the 72-hour limit would be very difficult. He pointed out that over 60 percent of the people surveyed do not want permit parking, and he advocated recommended letting people define neighborhood boundaries and decide for themselves.

CM Barnes' motion died for lack of a second.

CM Barnes noted that most of the survey respondents did not favor ticketing or towing on Visitacion and San Bruno Avenues on street-sweeping days.

CM Conway indicated he did not want to make any changes in the ordinance. He recommended trying enforcement of parking restrictions on Visitacion and San Bruno Avenue on weekly street sweeping days. He suggested starting out with warnings, and then ticketing offenders, but not towing. CM Barnes agreed that towing was too draconian.

Mayor Richardson invited comments from audience members.

Michele Salmon, Brisbane resident, said she voted not to change the current ordinance but also made suggestions about a permit program. She advocated enforcing the 72-hour parking limit and other restrictions. Ms. Salmon noted she was particularly concerned about vehicles making U-turns across the double lines on Visitacion Avenue, and she recommended cracking down on this dangerous practice. She remarked that enforcing existing parking and traffic laws would be the best way to address parking problems in Brisbane.

Terry O'Connell, Brisbane, noted that if a permit parking program is established, the City should clearly defining whether the majority percentage is based on households or number of residents.

CM Bologoff recalled that when the City began ticketing vehicles making U-turns into parking spots on Visitacion in the past, they were challenged in court, and the judge dismissed the tickets based on the finding that U-turns into parking spots were permissible. Police Chief Hitchcock advised that the City would need to adopt a specific ordinance and post signs in order to prohibit U-turns.

CM Barnes noted that back-in diagonal parking on Visitacion Avenue would help solve the problem. He recommended considering this option.

CM Bologoff suggested that the staff draft an ordinance prohibiting vehicles from making U-turns into parking spaces.

Dennis Busse, Brisbane resident, expressed concern about the safety of U-turns on Visitacion Avenue. He said the only safe place to make a U-turn is the school zone in the 600 block of San Bruno Avenue where U-turns are expressly prohibited. As a result, he noted, drivers pull into driveways and then make their turns. He recommended not allowing any U-turns on Visitacion.

Mr. Busse observed that most people in Brisbane fail to curb their wheels or use parking brakes when they park on hills. He suggested enforcing these rules as well.

CM Barnes made a motion, seconded by CM Waldo, to increase enforcement of Visitacion Avenue parking restrictions on street sweeping days. CM Barnes recommended giving warnings, followed by tickets. The motion was carried unanimously by all present.

B. Consider January 2009 Revised Geotechnical and Geological Investigation for 3710-3760 Bayshore Boulevard to determine whether any changes in the conditions of approval are appropriate, and provide direction to staff as necessary to implement these changes

Civil Engineer Kinser said the conditions of approval for this project required the applicant to hire a consultant to produce a geotechnical report, and the City hired an independent consultant to provide a peer review of the entire process, including the field work, the scope of geotechnical review, and the reports. She introduced the City's consultant, Ted Sayre, of Cotton Shires.

George Sylvestri, counsel for the applicant, introduced the members of the applicant's consulting team: Charles and Judy Ng, geotechnical consultants; Chris Hundemer, senior geologist, Treadwell & Rollo; Ken Lytle, civil engineer, KCA engineers; and Carl Chan, the structural engineer who designed the retaining walls.

Mr. Hundemer described the site and pointed out areas of bedrock, colluvial deposits, and known landslides. He said the consultants reviewed previous reports and written documents about the site, as well as aerial photographs. Mr. Hundemer stated that the consultants concluded there are

three different landslides that impact the property, and he identified these areas on aerial photos.

Mr. Hundemer noted that besides reviewing previous reports and maps, the consultants drilled two test borings and excavated seven pits, mapped the geological features and created geologic cross sections, conducted laboratory tests of the samples taken, and analyzed the geological and geotechnical features of the site. He showed photos of the test borings and test pits that were used to obtain soil samples. Mr. Hundemer displayed examples of the boring and pit logs.

Mr. Hundemer presented an overall geologic map of the site and identified known landslides and rockfall hazards. He showed some cross-sectional diagrams of the site.

Scott Walker, senior geotechnical engineer, Treadwell & Rollo, discussed the results of the laboratory testing of the soil samples taken at the site. He said the samples were tested for water content, strength, and corrosion. He presented graphs analyzing the stability of two of the landslide areas. Mr. Walker explained the system designed to stabilize the slopes and protect the buildings. He pointed out the location of two retaining walls and a chain-link fence. Mr. Walker reviewed the conclusions and recommendations resulting from the geotechnical investigation. He concluded his presentation by showing artist's renderings of the buildings and the retaining walls.

Mayor Richardson asked if the stabilization design would make the area safe from rockfalls. Mr. Hundemer responded that the analysis identified the extent of the risks, and the retaining walls were then designed to contain the maximum possible boulder falls.

CM Barnes asked Ted Sayre, the City's consultant, to comment on the work of the applicant's consultants. Mr. Sayre stated that the retaining walls with their tie-back anchors will improve the stability of the site by containing potential landslides and rockfalls. He said the seismic potential of the site was also studied, and the measures proposed provide an acceptable level of safety.

Mr. Walker added that the retaining walls will include a drainage system to divert water and help prevent landslides.

Mr. Sayre expressed his opinion that the applicant's consultants did a well-conceived and thorough investigation of the site and developed a very robust stabilization design.

CM Bologoff asked about the applicable building code. Senior Planner Tune replied that the project was designed to comply with the 2007 California Building Code.

CM Conway asked for more details about the test drilling and the tie-back system, and Mr. Walker said test borings were drilled at different locations and depths throughout the site. He explained how the tie rods and concrete walls would be anchored to the slope.

CM Barnes asked about the expected lifespan of the retaining walls. Mr. Walker said the system is designed to be permanent and corrosion-resistant. He estimated that the system would function well for at least fifty years.

Michele Salmon, Brisbane resident, expressed concern about the high water content of the clay soils. She said the retained water makes the soil very heavy, increasing the risk of landslides. She questioned whether the system would hold up under extreme rain conditions. Ms. Salmon noted that fifty years may not be an adequate lifespan. She also asked about the impacts of the stabilization design on properties above the site.

Mr. Walker explained that the slide mass was analyzed for the weight of wet soil, and the system was designed to accommodate the maximum possible amount of rainfall. He said the retaining wall system will improve the stability of the entire hillside, making the upper slopes safer for development. Mr. Walker added that the lifespan of the system can be extended by using more corrosion-resistant materials.

Councilmembers thanked the consultants for their presentation agreed to continue this matter to next meeting.

NEW BUSINESS

A. Consider adoption of Resolution No. 2009-06 establishing a policy for development projects to include a renewable energy component

City Attorney Toppel recommended that the Council consider adoption of Resolution No. 2009-06, a policy for including a renewable energy component for all projects covered by the City's green building ordinance. He explained that the current green building ordinance requires buildings to meet the LEED Silver standard, which allows developers to earn points by incorporating their choice of energy-efficiency measures, but not necessarily renewable energy. He noted that in the past, the City has been able to include renewable energy components as part of negotiated development agreements. City Attorney Toppel explained that the intent of the resolution is to ensure that renewable energy is addressed, although it does not mandate or prescribe any particular measures. He cautioned that going beyond state law requirements could subject the City to legal challenges, so some flexibility should be provided to allow developers to explore different options.

CM Conway recalled that the City had already established a policy that the Baylands development should be energy-neutral, and he questioned whether this resolution would weaken that requirement. CM Barnes clarified that energy neutrality was a goal for the Baylands, not a requirement. City Attorney Toppel advised that the new policy would apply to the Baylands as well as all other projects subject to development agreements. He said the City has the ability to negotiate extra requirements on a project-by-project basis, but he recommended not imposing any

standards that go beyond the Uniform Building Code.

Community Development Director Prince observed that for certain projects, particularly infill development like Sierra Point, there are site constraints that could make renewable energy impractical or infeasible.

Mayor Richardson commented that Brisbane was the first city in the county and the second city in the state to adopt a green building ordinance. She said she would like Brisbane to be a leader in renewable energy as well.

City Attorney Toppel pointed out that the City's green building ordinance was based on a recognized standard like LEED, but there are no generally accepted standards for renewable energy. He said he agreed that renewable energy should be promoted, and he advocated negotiation and incentives as the best approach to encourage developers to incorporate renewable energy components.

Community Development Director Prince added that the City may not legally require exactions that go beyond the impacts of a project.

At 10:25 p.m., CM Waldo made a motion, seconded by CM Conway, to continue this matter to the next meeting. The motion was carried unanimously by all present.

CM Barnes proposed taking some public comments at this meeting. Mayor Richardson invited audience members to address the Council.

Ray Miller, Brisbane resident, expressed his opinion that although the resolution was well intended, it was too broad, covering both infill and the Baylands. He argued that the Baylands development should meet a higher standard. He recommended adding language clarifying that the resolution does not apply to the Baylands project, for which a unique sustainability program is being crafted that includes the target of 100 percent renewable energy sources. He also suggested mentioning the benefits of renewable energy as well as the costs. Mr. Miller provided his draft wording to the Council and the staff.

Michele Salmon, Brisbane, observed that the Baylands will be one of the largest brown-earth developments in the world, so a zero net energy policy would be appropriate in that case. She noted that smaller projects should also be addressed, and she applauded the City for taking a leadership role in this regard.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine said he had nothing to report.

MAYOR/COUNCIL MATTERS

A. Subcommittee reports

There were no subcommittee reports.

ORAL COMMUNICATIONS NO. 2

There were no members of the public who wished to address the City Council.

ADJOURNMENT

There being no further business, CM Waldo made a motion, seconded by CM Barnes, that the meeting be adjourned. The motion was carried unanimously by all present and the meeting was adjourned at 10:33 p.m. with no announcements.

ATTEST:

Sheri Spediacci
City Clerk