

# *City of Brisbane*

## *Subcommittee Report*

TO: City Councilmembers Conway and O'Connell

FROM: Community Development Director and Special Assistant

SUBJECT: Ordinance No. 566 (Zoning Text Amendment RZ-6-11) to Amend Brisbane Municipal Code Titles 16 and 17 Regarding Condominiums

DATE: For March 12, 2013 Planning Issues Subcommittee Meeting

In addition to the potential revisions to the draft ordinance addressed in the subcommittee report for the cancelled February 6<sup>th</sup> meeting, staff suggests that the following be considered:

To be consistent with the revised findings for approval of tentative maps recommended by the Planning Commission in Section 16.16.220.A, the same existing language should be deleted from the findings for disapproval of tentative maps in Section 16.16.230.A—

### **16.16.230 Action by planning commission – When disapproval of tentative map is required.**

The planning commission shall deny approval of a tentative map if it makes any of the following findings:

A That the tentative map is not consistent with the general plan or any applicable specific plan. ~~This subsection shall not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing structure where no new units are to be constructed or added, unless the general plan or applicable specific plans contain definite objectives and policies, specifically directed to the conversion of existing buildings into condominium projects or stock cooperatives;~~

In Section 17.30.060A.2 regarding findings for Use Permit approval of condominium conversions, it may be helpful to clarify what is meant by "unique housing opportunities for very-low, low- and/or moderate-income households" as referenced in Housing Element Policy H.B.4. In the agenda report for the 11/10/11 Planning Commission public hearing, it was suggested that this would mean that the project would provide more affordable units than would be required by the City's inclusionary housing program (BMC Section 17.31.020.X), and for projects of 5 or fewer units, which would not be subject to the inclusionary housing program, at least 1 affordable unit would be required. This clarification could be incorporated into Section 17.30.060.A.2 as follows—

**17.30.060 Findings.**

A. In addition to the findings required for the granting of a use permit as set forth in Section 17.40.060, no use permit for a residential condominium conversion (including conversion of a mixed-use development with residential units) shall be granted unless the planning commission also finds and determines that:

1. The condominium conversion will not adversely affect the rental market by not reducing the residential rental vacancy rate to less than 5.0% or

2. The condominium conversion will provide unique housing opportunities for very-low, low- and/or moderate-income households that exceed the requirements of Section 17.31.030.B.3 (for projects of 5 or fewer units, which would not be subject to the inclusionary housing requirement, at least 1 unit affordable to very-low, low- and/or moderate-income households would be provided), based upon proposed sales prices, financing and projected monthly dues, in addition to other factors as determined by the planning commission.

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John Swiecki, Community Development Director