


City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 2/26/15

FROM: Ken Johnson, Senior Planner, and Tim Tune, Special Assistant, via John Swiecki, Community Development Director 

SUBJECT: **Draft 2015-2022 Housing Element; General Plan Amendment GPA-1-14 and Negative Declaration; City of Brisbane, applicant; citywide**

REQUEST: The draft 2015-2022 Housing Element (one of the mandatory elements of the City's General Plan) has been prepared to address, among various housing issues as required by State law, the City's share of the Regional Housing Need Allocation (RHNA) set by the Association of Bay Area Governments (ABAG) for the January 31, 2015-January 31, 2023 planning period.

RECOMMENDATION: Recommend that the City Council adopt the Negative Declaration and draft 2015-2022 Housing Element, via adoption of Resolution GPA-1-14.

ENVIRONMENTAL DETERMINATION: An Environmental Initial Study (State Clearinghouse No. 2015012053) has been prepared (attached), which finds that the draft 2015-2022 Housing Element would not have a significant effect on the environment and that a Negative Declaration should be adopted. As detailed in Table F.2 of Appendix F in the draft Housing Element (attached), a number of programs integral to the Housing Element act to pre-mitigate potential impacts. Note that Sections XVII d) and XVII e) have been revised since the preliminary draft Environmental Initial Study was presented to the Planning Commission last year.

San Francisco Water Power Sewer (SFPUC), in its comments on the proposed Negative Declaration (see attached January 16, 2015 letter), explained that it must retain its ability to access its water pipelines which run within a right-of-way running across the rear 60 ft. of 145 Park Lane and then narrowing across the rear of 105-115 and 91-99 Park Lane. Accordingly, SFPUC requested that the proponent of any development project adjacent to or on SFPUC easement areas participate in SFPUC's Project Review process. Note that Program H.D.1.c references public easements among the items to be addressed in the zoning regulations to implement the affordable housing overlays.

The California Department of Transportation (Caltrans), in its comments (see attached February 3, 2015 letter), identified resources to refer to adopting appropriate mitigation

measures, including traffic impact fees, for future development projects under the Housing Element.

APPLICABLE CODE SECTIONS: State law contains a number of requirements applicable to Housing Elements. These have been summarized and arranged in an order roughly corresponding to the chapters of the City's Housing Element for this agenda report (see attached Housing Element Components Required by State Law). Staff's analysis of the draft Housing Element's compliance with the Government Code requirements is included in the Housing Element as Appendix D.

UPDATE: After the Planning Commission on September 11, 2014 unanimously recommended that City Council accept the preliminary draft 2015-2022 Housing Element for submission to the California Department of Housing and Community Development (HCD) for review, the City Council held three workshops and meetings to take further public comment and to review the goals and the potential new housing sites for meeting the RHNA requirements (see attached agenda reports). The preliminary draft Housing Element with revisions (see attached City Council Resolution 2014-40 Exhibit A) was approved by the City Council on November 20, 2014, for submittal to HCD for review and comment prior to adoption.

Among the revisions were the following:

- The possibility of allowing secondary dwelling units at Landmark at the Ridge was eliminated from Program H.B.1.e (page VI-6);
- Program H.B.3.j to grant priority water and sewer service to affordable housing units was made more specific in reference to the requirements of the California Government and Water Codes (page VI-9);
- The portion of the ongoing year-over-year bump to property taxes that might be considered to replace the City's Redevelopment Low and Moderate Income Housing Fund per Policy H.B.9 was specified as being equivalent to the 20% tax increment set-aside that had been generated through redevelopment (page VI-11);
- The subsidy that might be considered for affordable housing projects per Program H.B.9.k was specified as a reduction or waiver of application development fees (page VI-13);
- Policy H.G.1 was revised to call for participation in regional efforts to reduce greenhouse gas emission (page VI-18);
- Program H.H.2.a was revised to include contaminated lands and areas subject to sea level rise, while deleting visually prominent or sensitive areas, among those environmentally sensitive and hazardous lands where development should be regulated to assure the mitigation of significant impacts (page VI-19); and
- A new Policy H.I.3 was added, calling for the City to work with County, Regional, State and Federal agencies to mitigate social equity issues that result in low incomes (page VI-21).

At the November 17, 2014 City Council meeting, staff had proposed to clarify Program H.D.1.c as shown below to recognize that new residential development also has an

obligation to promote land use compatibility with adjoining industrial areas by requiring the new overlay zone to incorporate appropriate design features:

For the new affordable housing overlays intended to accommodate affordable housing, adopt appropriate zoning regulations consistent with Government Code Section 65583.2(i) that allow at least three-story development and provide objective, quantifiable development standards including, but not limited to, building form, architecture, public space and landscaping in the applicable districts to non-subjectively address concerns that would otherwise be taken care of through discretionary design review approval in compliance with Government Code Sections 65589.5(d), (i) & (j). To encourage connectivity between sites and neighboring districts, require shared public access easements (such as walkways and fire lanes) as appropriate. Incorporate design components which promote compatibility with existing adjacent non-residentially zoned and developed properties. Include appropriate measures to mitigate any potentially significant environmental impacts.

This clarification was inadvertently not included in the draft of the Housing Element reviewed by HCD. Staff recommends that it be included in the draft to be forwarded to the City Council for adoption per the attached draft Resolution No. GPA-1-14.

Through subsequent telephone conversations and emails, HCD staff discussed with City staff items in the draft Housing Element for which clarification was requested. In response to these comments from HCD, further revisions were incorporated into the draft and approved by HCD (see attached January 15, 2015 Edits and January 23, 2015 HCD Letter).

Among the clarifications were the following:

- A description of how the current inclusionary housing requirements coordinate with the current density bonus provisions was added to Section IV.1.1.1 (page IV-3);
- Further explanation of how the park and recreational in-lieu fees have been calculated was included in Section IV.1.1.4 (page IV-10);
- The process by which the Zoning Administrator grants reasonable accommodation exceptions was described in greater detail (page IV-14);
- Program H.B.1.f was expanded to include amendment of the definition of “dwelling” in the Municipal Code to include employee housing for six or fewer persons per the California Health and Safety Code (pages VI-6 & VI-7);
- The previously proposed “ongoing” time frames for a number of programs were made more specific (pages VI-6, VI-7, VI-9, VI-10, VI-11, VI-12, VI-13, VI-16 & VI-19).

The revised draft Housing Element is now before the Planning Commission for a formal recommendation of adoption by the City Council.

Attachments:

- A. Draft Resolution GPA-1-14
- B. Housing Element Components Required by State Law
- C. City Council Agenda Report for October 2, 2014 Meeting
- D. City Council Agenda Report for November 17, 2014 Meeting
- E. City Council Resolution 2014-40 Exhibit A
- F. Edits in Response to Housing and Community Development Department Comments (1/12/15)
- G. January 23, 2015 Letter from California Department of Housing and Community Development
- H. Environmental Initial Study/Draft Negative Declaration
- I. January 16, 2015 Letter from San Francisco Water Power Sewer (SFPUC)
- J. February 3, 2015 Letter from California Department of Transportation (Caltrans)
- K. Draft 2015-2022 Housing Element