

# *City of Brisbane*

## *Agenda Report*

**TO:** Honorable Mayor and City Council

**FROM:** Community Development Director via City Manager

**SUBJECT:** Housing Element Implementation Update

**DATE:** Meeting of December 12, 2011

### **City Council Goals:**

To preserve and enhance livability and diversity of neighborhoods. (Goal #14)

To preserve the unique current character of Brisbane. (Goal # 16)

### **Purpose:**

To provide the City Council with background information on the ongoing implementation of the 2007-2014 Housing Element adopted in January, 2011. This study session is not a public hearing but rather is intended to provide background information and afford the City Council the opportunity to ask questions and obtain information that will be useful in any future scheduled public hearings.

### **Recommendation:**

That the City Council receive and file this report.

### **Housing Element Implementation**

#### ***Proposed New Zoning Districts***

Programs H.B.1.a and H.B.1.b. from the adopted Housing Element require the City to complete the rezoning of sites necessary to accommodate the Regional Housing Needs Allocation (RHNA) by October 2012. The Housing Element identified two sites for rezoning to accommodate City's RHNA. As shown on the attached map, a new R-SWB (Residential-Southwest Bayshore) Zoning District is proposed, along with a new NCRO-3 (Crocker Park Mixed Use) Zoning District. In developing these new zoning districts, state law precludes the use of a discretionary design review process in evaluating subsequent residential projects in these new Districts.

In order to comply with these requirements while ensuring that subsequent development is of high quality and compatible with the existing community, a new approach to zoning not used

elsewhere in the City is proposed. The City is proposing to establish Zoning Districts utilizing Form Based Codes (FBC).

### ***Form Based Codes***

Form Based Codes (FBC) are a planning response to address a number of the unintended negative consequences that have resulted from the historic application of traditional zoning ordinances across the country, a practice which dates back to the 1920s. The strict separation of land uses intended to protect public health and safety unintentionally created a car-oriented culture where jobs, housing, and shopping are physically separated and accessible primarily by the automobile. In recognition of this pattern, zoning standards have over time evolved to reflect the needs of auto-based development, often at the expense of other modes of transportation, particularly walking. Additionally, traditional zoning typically establishes development standards in the form of minimums (setbacks and required parking for example) and maximums (such as building height and lot coverage) that are applied on a lot by lot basis, with little attention given to the larger neighborhood or community context. Traditional zoning is focused inward on the development itself, and not on the public spaces that are created by development. In many cases the result has been a public realm that is little more than the extra space that is unusable for development. Traditional zoning further places the community in a reactive position, responding to case-by-case development applications. It further creates uncertainty for developers, as many projects designed in full compliance with adopted zoning standards may be denied through a discretionary design review process with subjective review standards.

FBCs are intended to create a regulatory system fostering development which is sensitive to its neighborhood context and creates desirable places for people, not necessarily vehicles. The primary organizing principal behind FBCs is physical form, not land use. Using form as the organizing principal elevates the public realm as an important component of a place and not an afterthought. This approach also promotes development that is suitable within its neighborhood context, both in a physical sense (mass, scale, architecture) and from a walkability/connectivity perspective as well. Most importantly, FBCs are proactive as they define the community's vision and the resulting development standards are established to give physical form to the community vision. This provides certainty for both the community and property owners, as the FBCs establishes clear rules and standards for subsequent development at the front end of the development process.

### ***FBC Components***

As noted above, the critical component of implementing FBCs is to proactively define and articulate the community's vision up front. This visioning process typically includes community visioning workshops and/or design charrettes. This vision is translated to the desired physical form of development via the creation of a "Regulating Plan" which sets forth definitions, public space standards, building form standards, streetscape standards, and methods of administering the FBC. FBCs can further include standards for architectural design, landscaping, signage and/or other elements deemed as determined by the City. FBCs typically rely heavily on the use of graphics to illustrate required standards., as opposed to traditional zoning ordinances which rely primarily on text to convey information.

### ***FBC Implementation***

As noted previously, the Housing Element requires adoption of the new zoning districts by October, 2012. Staff has presented an overview of FBCs to the Planning Commission which is enthusiastic about the process. Staff anticipates that outside consultant services from a firm specializing in the development of FBCs will be a valuable asset in this process. The community visioning component will be critical to the overall success of this effort, so any firm to be considered would need to be extremely skilled in facilitating this important community dialogue.

Staff is exploring other resources that might support the FBC process. For example, the San Mateo County Health Department's "Building Health into San Mateo County Cities" program advocates mixed land use and walkable communities as important components of a healthy lifestyle. The Department made a presentation to the City Council in 2010 regarding their program and had offered to provide technical support to the City in our efforts to incorporate policies and standards related to walkability and health in various planning documents such as the General Plan and Zoning Ordinance. The new FBCs would be a logical place to translate these principles into physical design standards.

As noted in the Economic Development Subcommittee Update also being presented to the City Council at tonight's meeting, the San Mateo Chapter of the American Institute of Architects (AIA) has agreed to hold a design charrette exploring land use and design options for Crocker Park. This effort would address the area encompassed by the newly proposed NCRO-3 District. Staff anticipates that the results of this charrette would be extremely useful in developing the FBC for the NCRO-3 District, and the FBC should take full advantage of this work effort.

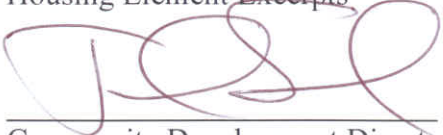
Notwithstanding these potential low-cost resources, successful completion of the FBC effort will require resources beyond those currently available at the staff level. Staff would propose to begin soliciting proposals from qualified firms in early 2012. Assuming this process identifies a successful firm that meets the City Council's approval, work could conceivably commence in later winter/early spring. It is anticipated that work on both the R-SWB and NCRO-3 Districts could commence simultaneously. It seems likely that the R-SWB might be able to proceed at a faster pace, as the R-SWB District is self-contained and will be limited to residential uses. The NCRO-3 District is located at a key location within the City, and is expected to generate a high level of community interest and participation. It is further much more interdependent with adjacent properties and land uses which will need to be considered through the process. Even under the most optimistic conditions it will be a challenge to adopt these new regulations by the October 2012 deadline.

### ***Other Housing Element Implementation Steps***


The Housing Element includes a number of other programs and policies requiring implementation, primarily in the form of Zoning Code Amendments to implement adopted goals from the housing element and/or to achieve consistency with the requirements of state law. Several such ordinance amendments were approved by the City Council in 2011, and it is likely that several more will be scheduled for City Council review in 2012.

**Attachments:**

Housing Element Excerpts

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Community Development Director

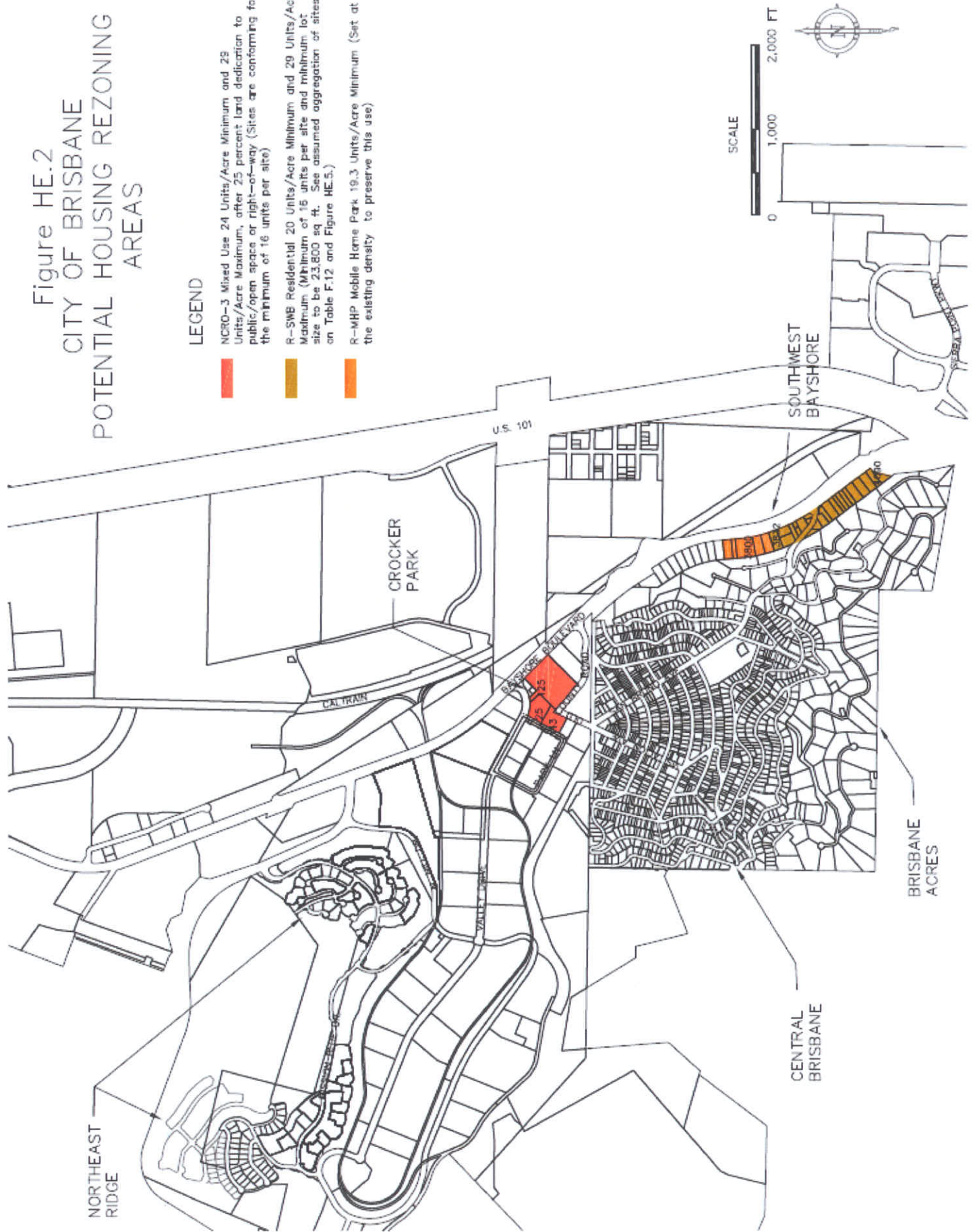
A handwritten signature in blue ink, featuring a large initial 'C' and several loops.

City Manager

# Figure HE.2 CITY OF BRISBANE POTENTIAL HOUSING REZONING AREAS

## LEGEND

- NCRO-3 Mixed Use 24 Units/Acre Minimum and 29 Units/Acre Maximum, after 25 percent land dedication to public/open space or right-of-way (Sites are conforming for the minimum of 16 units per site)
- R-SWB Residential 20 Units/Acre Minimum and 29 Units/Acre Maximum (Minimum of 16 units per site and minimum lot size to be 23,800 sq ft. See assumed aggregation of sites on Table F.12 and Figure HE.5.)
- R-MHP Mobile Home Park 19.3 Units/Acre Minimum (Set at the existing density to preserve this use)



## 2007 – 2014 Housing Element excerpts:

### IV Housing Constraints

#### IV.1.1.5 Processing and Permit Procedures

In order to accommodate the City's RHNA share for very low and low income households (page III-1), zoning amendments are proposed to permit owner-occupied and rental multifamily residential use by right (without a Use Permit) in new zoning districts. The Design Permit provisions applicable to multiple family dwellings in these zoning districts would be amended per the Government Code to include objective, quantifiable development standards (form-based codes) to non-subjectively address concerns that would otherwise be taken care of through discretionary design review approval. Form-based codes utilize predefined physical forms as the organizing principle, addressing the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks where applicable. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form, scale and character of a development. Presumably, this limited Design Review process will also limit the impact of what some may consider to be the nongovernmental constraint of neighborhood opposition to such types of development. Transitional and supportive housing will be treated the same as other residential uses. Emergency shelters will be made a permitted use (not requiring a Use Permit) exempt from Design Review but subject to objective development standards in the R-SWB District. Single-room occupancy units intended as supportive housing will be conditionally permitted in the SCRO-1 District, as multiple-family dwellings and hotels already are.

### VI. Housing Goals, Quantifiable Objectives, Policies and Programs

**Goal H.B Maintain a diverse population by responding to the housing needs of all individuals and households, especially seniors and those with income constraints or special needs.**

**Policy H.B.1 Require a balance of housing types, sizes (bedrooms), tenure and the inclusion of affordable, senior and special needs dwelling units in multi-family developments.**

*Program H.B.1.a Maintain existing zoning and complete necessary rezoning to provide adequate sites to accommodate the Regional Housing Needs Allocation, as referenced in Sections III.1 and III.2, no later than 3 years and 120 days of the statutory deadline for adoption of the Housing Element [per Government Code Section 65583(c)(1)(A)].*

*Time Frame: October 2012*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.B.1.b For the new 6.9 acre NCRO-3 and the new 7.03 acre R-SWB zoning districts, adopt development regulations (including public space standards as appropriate) that permit owner-occupied and rental multifamily uses by right (without*

discretionary review), require a minimum of 16 units per site, require a minimum density of 20 units per acre in the R-SWB district and 24 units per acre in the NCRO-3 district, and allow three-story development via a 35 ft. height limit, as referenced in Figure HE.2, Tables 37, F.11 and F.12, and Section III.1.3.

*Time Frame: October 2012 (see Program H.B.1.a)*

*Responsibility: Community Development Department, Planning Commission,  
City Council*

*Funding Source: City funds*