

OLD BUSINESS

**PUBLIC HEARING: Draft 2015-2022 Housing Element; General Plan Amendment GPA-1-14; City of Brisbane, applicant; City-wide.**

Senior Planner Johnson presented the agenda report.

Chair Cunningham opened the public hearing.

Allan Murphy, Attorney with Perkins Coie representing DCT, spoke to the Commission and expressed DCT's general support of the affordable housing overlays, but also their concerns about the current language of draft Programs H.D.2.a and H.D.2.b and suggested striking these. DCT does not want to limit future commercial and light industrial operations in Crocker Park, which are currently allowed. They are concerned that these two programs may result in future limitations on the existing uses of the properties in the area of the proposed residential overlay, which DCT owns. Director Swiecki answered the Commission's follow-up questions. Director Swiecki suggested that Program H.D.2.a could be deleted, since H.D.2.b gets to the heart of the matter, of establishing suitable residential environments with the affordable housing overlays while maintaining the viability of existing permitted uses. Mr. Murphy indicated that while they would prefer removal of both programs, the removal of Program H.D.2.a would help address DCT's concerns.

Dave Haugen, the Regional Manager for DCT, also spoke and reiterated the concerns expressed by Mr. Murphy about potential future limitations on existing uses and felt that the component parts to control the future uses are already in place in existing City zoning ordinances. He also suggested that the housing overlay could be expanded to use Valley Drive as the geographic dividing line. This would include additional properties owned by DCT. Director Swiecki answered the Commission's follow-up questions and suggested that the City does not want to commit to HCD to over-zone for residential as part of this Housing Element. The Commission further discussed the concerns raised.

Margaret Brown, a Brisbane resident, suggested that the Housing Element allow for secondary dwelling units on lots that are less than the current minimum of 5,000 sq ft. Senior Planner Johnson reminded the Commission that there is Program H.B.1.e which encourages development of secondary dwelling units, and that program could be expanded to include exploring the potential of reducing or eliminating the lot size minimum for development of secondary dwelling units. He also reminded the Commission that secondary dwelling units have specific permit requirements that address other issues such as provision for adequate parking.

There being no other members of the public present to speak regarding the draft Housing Element, Commissioner Munir moved and Commissioner Parker seconded to close the public hearing. The motion passed 5-0. Commissioner Munir moved and Commissioner

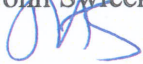
Do seconded to adopt resolution GPA-1-14-A, recommending that City Council forward the Draft 2015-2022 Housing Element to HCD for review, including the revisions of removal of Program H.D2.a, revising H.D.2.b based on their discussion and addition of Program H.B.1.e(f). The motion passed 5-0.



# City of Brisbane

## Planning Commission Agenda Report

**TO:** Planning Commission For the Meeting of 9/11/14

**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; City of Brisbane, applicant; citywide

**BACKGROUND:** Following on to the Planning Commission's 8 study sessions, through the first half of 2014, the Commission held a public hearing on the draft 2015-2022 Housing Element during its last meeting, on August 28<sup>th</sup>. Following the public hearing, the Planning Commission continued this item to tonight's meeting in order to have more time to review it.

Specifically, the Commission wanted more time to review Appendix E, which was provided separately from the rest of the document, on August 28<sup>th</sup>.

Also, while the property owner of the sites along the south side of Park Lane (DCT), expressed general support of the Housing Element during the public hearing, they expressed concern that the proposed housing overlay zone not restrict ongoing and future use of nearby industrially and commercially planned and zoned property.

Staff concurs that the introduction of the residential overlay zone needs to balance creating a suitable residential environment with maintaining the viability of nearby industrial and commercial properties and uses. To reflect the need for balance, it is recommended that proposed Housing Element Program H.D.2.b be revised as follows:

*Program H.D.2.b Review the zoning ordinance regulations for the TC-1, NCRO-1 and NCRO-2 Districts adjoining the new Park Place Mixed Use Affordable Housing Overlay and Park Lane Residential Affordable Housing Overlay to determine if amendments are necessary to establish suitable residential environments while maintaining the long-term viability of nearby pre-existing commercial and industrial properties. minimize impacts from non-residential uses (such as night operations and truck distribution centers [Section III.d of the Environmental Initial Study]) upon residential uses in the vicinity.*

*Time Frame: December 31, 2018*

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

*Funding Source: City funds*

Note that the State deadline for adoption of the Housing Element is January 31, 2015. Prior to adoption, the draft Housing Element is subject to review by the City Council, followed by review by the California Department of Housing and Community Development (HCD).

**RECOMMENDATION:** Recommend that the City Council forward the draft 2015-2022 Housing Element to HCD for review, via adoption of Resolution GPA-1-14-A.

Attachments:

~~Draft Resolution~~ Provided Separately

- Refer also to the August 28<sup>th</sup> packet, previously provided





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September 11, 2014

John Swiecki  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

**Re: Brisbane Housing Element; DCT Industrial**

Dear Mr. Swiecki:

As you are aware, our firm represents DCT Industrial ("DCT") on this matter. DCT has received the proposed changes to Policy H.D.2, as outlined in your recent staff report.

While DCT appreciates the City's efforts, the proposed modification does not address the very strong concerns DCT has concerning draft Housing Element Programs H.D.2.a and H.D.2.b., concerns DCT believes its neighboring property owners, including CalSTRS, will share if brought to their attention. As Dave Haugen, Regional Vice President of DCT, expressed in our meeting at City Hall in July and again at the Planning Commission, any modification of the current zoning which seeks to restrict or inhibit the viable ongoing tenant or owner-occupied businesses located within Crocker Park is unacceptable, and will be vigorously opposed by DCT, and likely other property owners within Crocker Park.

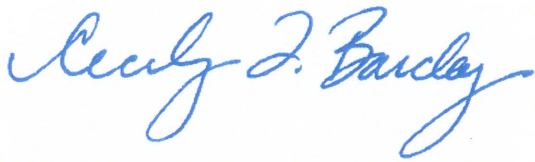
DCT remains open to an overlay zone that allows the market to develop affordable and market rate multi-family units within Crocker Park without impinging upon existing uses. However, both draft Programs represent an effort to modify existing zoning or other regulations to limit existing uses and future development (H.D.2.a) and/or to eliminate or reduce certain existing operations and uses to accommodate future housing (H.D.2.b). DCT opposes any such effort on the basis it will materially and negatively impact its existing and future tenant businesses. Further, such Programs appear to be unnecessary. The City's own Environmental Initial Study/Negative Declaration concludes in each and every section that residential uses at the proposed sites will be Less Than Significant without mitigation. There appears to be simply no

John Swiecki  
September 11, 2014  
Page 2

need to impose ordinance amendments. DCT therefore respectfully requests both Programs be deleted from the draft Housing Element.

Thank you for your consideration.

Very truly yours,



Cecily T. Barclay

cc: Karen Cunningham, Planning Commission Chair  
TuongVan Do, Planning Commission Vice Chair  
Carolyn Parker, Planning Commissioner  
Jameel Munir, Planning Commissioner  
Dave Reinhardt, Planning Commissioner  
David Hahn, City Attorney  
David Haugen, DCT Industrial