G. WORKSHOP

1. Short-Term Vacation Rentals in Brisbane

Associate Planner Capasso gave the presentation. Director Swiecki answered questions from the Commissioners.

The following individuals from the public engaged in a discussion of concerns, potential benefits, and regulatory strategies for short-term rentals in residential districts: Barbara Ebel, Pete McGurty, Colleen Mackin, Aaron Kleven, Debbie Horn, Chris Land, Joel Diaz, Sandy McGurty, Greg Anderson, Barbara Raitz, and Alex Farris.

Throughout the discussion, the following themes emerged:

- Everyone's rights should be protected in balance: neighbors, property owners, long-term residents.
- If regulations are adopted, they should be realistic and enforceable.
- Short-term rentals should be incidental to existing residential uses, not standalone business ventures.
- Negative impacts of short-term rentals should be mitigated.
- Existing residential neighborhood character must be maintained.
- Internet-based homesharing is already occurring; providing a regulatory path to approval would allow residents with short-term rentals to operate lawfully and create accountability.

There being no further members of the public wishing to address the Commission, Chair Do opened the item for Commission discussion. The Commission directed staff to prepare information regarding potential regulatory strategies in response to the variety of concerns and suggestions put forward by the community and Commissioners. It was the consensus of the Commission to continue the workshop to the April 9, 2015 regular meeting.

H. OLD BUSINESS

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

Senior Planner Johnson gave the agenda report and presentation. He noted that staff has reviewed the letter from Mr. Miller and the alternative that Mr. Miller proposed. Senior Planner Johnson indicated that the staff conclusion and recommendation remain the same. Staff answered questions from the Commissioners regarding the evaluation of potential health impacts from particulate matter exposure in the Initial Study, significance thresholds established by the California Air Resources Board, land use compatibility for each alternative sites proposal, and current State requirements for diesel engine retrofitting.

Chairperson Do opened the public hearing. Colleen Mackin shared her opposition to allowing for housing at 145 Park Lane and her support for mixed-use development at 125 Valley Drive. She opposed the development of high-rise housing and the development of solid rows of buildings in this area of Brisbane. Discussion with staff and the Commission ensued.

There being no further members of the public wishing to address the Commission, motion by Commissioner Munir seconded by Commissioner Parker to close the public hearing. The motion carried 3-0. After deliberation, Commissioner Munir moved and Commissioner Parker seconded to recommend approval of General Plan Amendment GPA-1-14 and Negative Declaration to the City Council with the housing opportunity sites originally approved by the Commission and City Council. The motion carried 3-0.

I. ITEMS INITIATED BY STAFF

None.

J. ITEMS INITIATED BY THE COMMISSION

Chairperson Do read the appeals process.

K. ADJOURNMENT to the Regular Meeting of March 26, 2015 at 7:30 pm.

There being no further business, Commissioner Munir moved and Commissioner Parker seconded to adjourn to the meeting of March 26, 2015. The motion carried 3-0 and the meeting adjourned at 10:25 p.m.

Attest:

_____

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at www.brisbaneca.org.

City of Brisbane
Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 3/12/15

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

BACKGROUND

During the Planning Commission's public hearing on this matter on February 26, 2015, a member of the public (Ray Miller identifying himself as a private citizen and not as a City Councilmember) requested that the Commission reconsider its previous recommendation to the City Council regarding the identification of sites to be redesignated for residential purposes to meet the City's Regional Housing Need Allocation (RHNA). He specifically suggested the Planning Commission consider an alternative that was discussed and rejected during the City Council's consideration of the Housing Element on November 20th, 2014, The Commission continued the public hearing as requested to tonight's meeting to further consider the alternative suggested by Mr. Miller.

The 2015-2022 Housing Element has been in process with the City for more than 18 months. The Planning Commission held numerous workshops and hearings in 2014, culminating in a unanimous recommendation for approval in September 2014. The City Council subsequently reviewed the Housing Element over several meetings and on November 20, 2014 by a vote of 3 ayes to 2 noes (Councilmembers O'Connell and Miller dissenting) authorized staff to submit the draft Housing Element to the State Department of Housing and Community Development (HCD) as required by state law.

The primary point of contention in the City Council's split vote was the specific configuration of lots to be rezoned for residential purposes to meet the RHNA requirements. The draft Housing Element approved by the City Council identified those sites recommended by the Planning Commission. All City Council reports, minutes and related correspondence pertaining to the City Council's review of the draft 2015-2022 Housing Element are attached to this report for reference,

HCD reviewed and approved the draft Housing Element on January 23, 2015 and staff modified the Housing Element to incorporate the minor modifications recommended by HCD. The draft Housing Element presented to the Planning Commission on February 26,

2015 is the version approved by the City Council, including minor modifications as recommended by HCD. These modifications were discussed in the February 26, 2015 Planning Commission report.

The Planning Commission's review of the final Housing Element is a required step in the formal adoption process, followed by City Council review. While the state-mandated deadline for Housing Element adoption by the City Council was January 31st, 2015, state law provides a 120-day grace period which extends this deadline to May 31, 2015. Failure to meet the May 31st deadline will result in the City having to revise and update the Housing Element every 4 years, rather than 8 years, and will render the city ineligible to receive obtain regional discretionary transportation funding. Regardless of the date the Housing Element is adopted, the City is still obligated to complete the necessary zoning amendments to provide adequate sites to accommodate the 2007-2014 RHNA shortfall by January 31, 2016.

RECOMMENDATION

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

DISCUSSION

The draft Housing Element unanimously recommended by the Planning Commission and supported by the Council by the 3-2 vote includes a residential affordable housing overlay (AHO) zone with a minimum density of 26 units per acre along the three Park Lane sites and mixed use AHO zone at two Park Place sites with a minimum density of 20 units per acre. The alternative suggested by Mr. Miller would eliminate two of the Park Lane sites (105-115 and 145 Park Lane) from consideration, increase the density on the remaining 95 Park Lane site to 32 units per acre and rezone the two Park Place sites as residential only instead of mixed use, at an increased density of 32 units per acre. It would also add 125 Valley Drive as a mixed use site at 20 units per acre. The two scenarios are shown in the attached figures and tables.

In its 10-month review of the Housing Element, the Planning Commission considered numerous options to achieve the required housing numbers, including options similar to that proposed by Mr. Miller. The Planning Commission ultimately opted to recommend residential-only uses on the south side of Park Lane as a natural extension of Central Brisbane, and mixed use along Park Place. The elimination of 125 Valley Drive from this scenario (as was previously recommended in the 2007 Housing Element) was also discussed extensively by the Planning Commission. The decision was made to preserve the City's flexibility in considering broader development opportunities with the adjacent Brisbane Village Shopping Center and Bank of America site. It was noted that the City could ultimately add mixed use at the Valley Drive site, but would not be required to do so in order to comply with Housing Element requirements. Additionally, if the City ultimately determined through the rezoning process that 25 and 41-43 Park Lane would

be better suited for residential only instead of mixed use, that change could be made and the City would still be in compliance with HCD requirements, as HCD regulations only cap the amount of mixed use housing that can be credited toward meeting RHNA.

ANALYSIS

The following is provided to facilitate the Planning Commission's review of the alternate site configuration as requested. A number of specific issues were brought up to the Planning Commission in the request for reconsideration and this analysis focuses primarily on those issues.

The primary issue raised was the inappropriateness of 145 Park Lane for residential purposes due to its exposure to truck activity and close proximity to other large remaining truck-oriented industrial uses, specifically 275 and 325 Valley Drive. To best address this issue, it is important to understand the ways in which truck traffic could impact future residential uses. Air quality, noise, and traffic safety are all important considerations. The direct land use interface between industrial and residential uses presents another potential concern, as the hours of business operations and the nature of the operations can potentially conflict with residential uses.

Air Quality:

As evaluated in the draft Negative Declaration, prepared for the City Council-recommended Housing Element, potential residential units along Park Lane would not be exposed to significant air quality impacts from the remaining nearby warehouse uses. The floor area occupied by individual freight forwarders and the total floor area occupied by all warehouses within 1,000 ft. of 145 Park Lane do not exceed the amounts cited by the California Air Resources Board as generating enough truck traffic to potentially result in significant exposure to toxic air contaminants and fine particulate matter associated with diesel-powered engines (trucks).

Furthermore, as was discussed in the Housing Element Initial Study, traffic levels on Valley Drive and Bayshore Boulevard are not high enough for them to qualify as "high-volume roadways" (see Section III d of the Environmental Initial Study), which would generate potentially significant air quality impacts, but the traffic volumes on these streets far exceed traffic volumes on Park Lane and Park Place. Therefore shifting the proposed dwelling units from 105-115 and 145 Park Lane (approximately 400 ft. from Valley Drive and 1,000 ft. from Bayshore Boulevard) to sites adjoining Valley Drive and Bayshore Boulevard, would increase their potential air quality exposure given the closer proximity to higher traffic volumes than Park Lane. Park Lane is classified as a "local" street in the General Plan, while Valley Drive and Bayshore Boulevard are classified as "collector" and "arterial" streets, respectively.

Noise:

Potential noise issues result primarily from roadway traffic, along with the potential for specific industrial uses to create a point source of noise. In regard to roadway- generated noise, noise levels would be highest closest to Bayshore Boulevard and Valley Drive, the streets which carry higher traffic volumes of both cars and trucks than Park Place or Park Lane. As detailed in Section XII a of the Environmental Initial Study, the 65-75 dB traffic noise corridors for multi-family residential uses extend roughly 225 ft. from the Bayshore Boulevard right-of-way and roughly 175 ft. from the Valley Drive right-of-way. Detailed analysis of noise reduction requirements would be necessary for multi-family (including mixed use) development within these corridors.

The Bayshore Boulevard corridor extends about halfway into the 125 Valley Drive property and the Valley Drive noise corridor extends onto 125 Valley Drive as well as much of the 25 Park Place property. The proposed Park Lane residential AHO is located outside the Bayhore Boulevard and Valley Drive noise corridors. Therefore increasing the housing unit density close to Bayshore Boulevard and Valley Drive, with the proposed residences at 125 Valley Drive and increased density at 25 Park Place, would increase potential noise exposure on these future residents.

Traffic Safety:

Factors affecting traffic safety include traffic volumes, vehicular mix, speed and site specific interactions. Since Bayshore Boulevard and Valley Drive carry more vehicles at higher speeds than Park Place or Park Lane, traffic safety issues will be of greater concern for residential projects taking access from these roadways. The major possible traffic safety difference between the two scenarios relates to Park Lane. Under the recommended Housing Element, all southerly Park Lane properties are redesignated for residential. This provides the opportunity to design residential site access to minimize potential vehicular conflicts with remaining industrial uses on the north side of Park Lane. Under the alternate scenario suggested, 91-94 Park Lane is redesignated for residential purposes while the remainder of the street remains industrial. This introduces a single residential project into a local industrial street which could introduce potential traffic conflicts into this local area where none presently exist.

Land Use Compatibility:

The Park Lane sites as shown in the recommended Housing Element are located along the southeastern edge of Crocker Park, directly below the Old Quarry Road trail. Approximately 75 feet up the hill (in elevation) from Park Lane are the following facilities along Solano Street: the City's swimming pool, Silverspot Nursery School and Lipman Middle School and the middle school playing fields. Beyond these is the R-1 residential zoning district and the R-2 district is closer, located behind the Community Garden, at the east end of the Old Quarry Road Trail. The Crocker Park Trail right-of-way width varies, but is generally 100 feet wide, or more. Although the proposed residential uses are not incompatible with these other uses the trail provides a buffer between these existing and proposed uses. Additionally, converting 105-145 Park Lane

from industrial to residential would eliminate the Crocker Park truck parking that is presently closest to the schools, City pool, and playing fields, thereby providing an opportunity to reduce existing industrial-related air quality and noise impacts on sensitive public uses.

To the rear of 145 Park Place, between it and the warehouses at 275 and 325 Valley Drive, the 20 ft wide right-of-way of the Crocker Park Trail provides a buffer between uses. A small warehouse at 151-159 Park Lane backs against 145 Park Lane's northwest side and is under the same ownership as the three Park Lane sites. Across Park Lane to the north are two relatively small warehouse buildings of approximately 40,000 sq. ft. each, with limited space and loading docks for large trucks as compared with the other warehouse sites. One of these is occupied by a food import business and the other is currently vacant.

Under the alternate proposal, 91-94 Park Lane is proposed for residential purposes. This would create a residential "island" between the post office and 43,500 square feet industrial building at 105-115 Park Lane. As noted previously, an objection raised by the public to the 145 Park Lane site was its proximity to industrial uses along Valley Drive. However, the alternate scenario places future residential use in closer proximity to industrial use than does the recommended configuration, and creates potential traffic conflict issues that will not occur between Park Lane and Valley Drive properties. Maintaining industrial uses at 105-145 Park Lane further precludes the elimination of existing Crocker Park truck parking located closest to the schools, City Pool and playing fields.

Lastly, from a quality of life standpoint it is uncertain that a relatively small residential project at 91-99 Park Lane surrounded by industrial uses creates a livable residential environment or contributes to a greater sense of neighborhood or community cohesion.

Other Planning Considerations:

Planning Flexibility: The Housing Element establishes policy that informs the City's vision for how southeast Crocker Park and Brisbane's "front door" from Bayshore Boulevard will change over time. However, the Housing Element is not the larger vision. There are important issues regarding the Brisbane Village Shopping Center and the Bank of America site that need to be addressed as well. A rigorous design process will need to occur to create an overall vision and establish development standards to ensure that future development achieves the vision.

The two scenarios under consideration reflect markedly different approaches in regard to planning flexibility. The recommended Housing Element maximizes the City's future design flexibility. For example, 125 Valley Drive is not identified in the Housing Element and is therefore not constrained by state-imposed density and size provisions. Clearly 125 Valley Drive is a key component in re-envisioning Brisbane's entrance. The planning process might ultimately determine that mixed use at 20 dwelling units per acre or more reflects the community vision. On the other hand, the City might determine that the site is better utilized as part of a reconfigured retail center, or for less intense mixed

use or standalone housing. The Housing Element as now proposed allows for the community's vision to determine the most appropriate use of this property, whereas under the suggested alternate site configuration, the future use of 125 Valley Drive is already defined, and the community's vision will need to conform with these requirements.

Design flexibility also comes into play along Park Lane. Designating multiple adjacent sites (91-145 Park Lane) for residential purposes allows for flexibility in site design and building layout to minimize potential conflicts with nearby industrial uses. Developing a single residential site with industrial uses on either side as suggested in the alternate scenario provides limited design options.

Community Compatibility: In comparing the two scenarios, staff believes the proposed densities associated with each scenario are generally acceptable and can be designed in a manner which is compatible with Brisbane's existing development pattern. With that said, it should be noted that the residential density in the approved scenario is 26 dwelling units per acre, while the alternate scenario proposes residential development at 32 units per acre.

Housing Element Process: As noted in the background section, there are specific deadlines in state law for adoption of the Housing Element, and adverse consequences to the City for failing to meet these deadlines. The Housing Element has previously been approved by City Council and by state HCD and the final adoption of that Housing Element would easily be on schedule to comply with the state deadline. The implications of modifying the sites identification as requested by Mr. Miller are unknown. This would represent a change from what was previously reviewed and approved by HCD. If such a change would trigger a subsequent round of HCD review and HCD took 60 days to review as statutorily allowed, the City's ability to comply with the state mandated adoption deadline would be at risk. City legal counsel has not been able to definitively rule out that HCD review is required for such a change, so this remains an unknown issue moving forward.

CONCLUSION

Staff concludes that either scenario would allow the City to meet its RHNA requirements. However, the site identification included in the recommended Housing Element was extensively reviewed throughout the lengthy Housing Element review process, unanimously approved by the Planning Commission and supported by a majority of the City Council. As outlined in this report, staff believes the previously approved sites are superior to the alternative from an environmental, land use compatibility, and planning perspective. Furthermore, moving forward with the alternate could compromise the City's ability to adopt the Housing Element by the state-mandated deadline.

ATTACHMENTS:

A. ~~Updated Draft Resolution GPA-1-14~~ See adopted Resolution
B. ~~Tables 1 & 2: Summary of Approved and Alternative AHO Sites~~
C. ~~Figure: Alternative 1 – Approved Housing Element, AHO Sites~~ Attached separately
D. ~~Figure: Alternative 2 – Alternative Proposal, AHO Sites~~
E. City Council Agenda Report for October 2, 2014
F. City Council Agenda Report for November 17, 2014
G. ~~City Council Agenda Report for November 20, 2014~~ – See November 17th rpt.
H. City Council Minutes for October 2, 2014
I. City Council Minutes for November 17, 2014
J. City Council Minutes for November 20, 2014
K. Topography & Uses in the Vicinity of Proposed AHO Sites
L. Finance Director Handout to City Council 11/20/14
M. Comments from Ray Miller, provided to City Council 11/20/14
N. Comments from Terry O'Connell, provided to City Council 11/20/14
O. ~~Agenda Report from the Planning Commission of February 26, 2015 – Not included, refer to the previously provided packet~~ Attached separately

City of Brisbane
Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

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

DATE: October 2, 2014

City Council Goals:

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

Purpose:

To update the Housing Element (one of the mandatory elements of the City's General Plan) by the state-mandated deadline of January 31, 2015.

Recommendation:

Adopt Resolution 2014-40 authorizing staff to submit the draft 2015-2022 Housing Element to the California Department of Housing and Community Development (HCD) for review.

Background:

State law requires all jurisdictions to periodically update their General Plan Housing Elements, The next Housing Element cycle runs from 2015-2022, and the state-mandated deadline to adopt the Housing Element is January 31, 2015. Procedurally, the City Council is not considering adoption of the Housing Element (Draft 2015 Housing Element) at tonight's meeting. Rather, the purpose is for the City Council to authorize staff to submit the Draft 2015 Housing Element for HCD review prior to its adoption by the City, which is a procedural requirement of state law.

The process of updating the Housing Element has been underway for approximately fifteen months. This effort commenced with the City joining 21 Elements, a CCAG-sponsored collaborative of all jurisdictions within San Mateo County to facilitate Housing Element preparation. The 21 Elements program completed data collection, provided

technical guidance, served as a clearinghouse for best practices, and facilitated coordination with HCD.

Subsequently the Planning Commission held eight (8) housing element study sessions in 2014, culminating in the preparation of the Draft 2015 Housing Element. Following public hearings on August 28th and September 11th, the Planning Commission unanimously recommended approval of the Draft 2015 Housing Element.

The Draft 2015 Housing Element is primarily an update of the 2007-2014 Housing Element which was adopted in January 2011. The content, format, and organization are consistent with 2007-2104 Housing Element, As detailed in the discussion section below and the attached Planning Commission reports, proposed updates to the Draft 2015 Housing Element include: addressing the City's latest RHNA (Regional Housing Needs Allocation) numbers, including the identification of adequate housing sites; responding to changes in State law (including the dissolution of Redevelopment Agencies); incorporating new available information (including 2010 U.S. Census data); reflecting progress made in implementing the 2007 Housing Element; and refining previous policies and programs.

Discussion:

Key revisions incorporated into the Draft 2015 Housing Element include:

RHNA Requirements--Each Housing Element update cycle begins with HCD assigning shares of the state housing needs, based upon demographic projections, to the various regional government planning organizations, including ABAG. For previous and current cycles, San Mateo County (coordinated through CCAG) formed a Countywide RHNA subregion to allocate the regional housing needs to jurisdictions within the County. Through this process, Brisbane's RHNA share for the 2015-2022 planning period was established at 83 units, broken down by income categories as shown below. The rezoning necessary to provide adequate sites to accommodate this need must be completed no later than May 31, 2018, per Government Code Section 65583(c)(1)(A).

Another issue the Draft 2015 Housing Element addresses is the shortfall of adequate sites resulting from the 2007 Housing Element. In order to meet the City's 2007-2014 RHNA allocation of 401 units, the 2007-2014 Housing Element proposed creating a new Southwest Bayshore residential district and new mixed use district for southeasterly Crocker Park. In moving forward with the proposed Southwest Bayshore residential district, a number of constraints were identified (access, topography, existing development patterns, etc.) which made the planned rezoning highly problematic and undesirable, and the Planning Commission recommended that alternate sites be explored, including additional potential sites in southeasterly Crocker Business Park.

Implementation of the Crocker Park mixed use zoning was deferred to allow the City to evaluate land use and design issues in Crocker Business Park overall, as any proposed rezoning would need to fit into the larger overall context. This larger review was accomplished through the Crocker Park Technical Assistance Program (TAP) held by the

Urban Land Institute (ULI). The TAP process commenced in Summer of 2013, culminating in the 2 day on-site intensive evaluation in January 2014 and publication of the the Final Tap report in May 2014. While the Council's Economic Development subcommittee has reviewed the TAP report, full City Council review is pending and work on the proposed mixed use zoning will follow the Council's review of the TAP report.

Since the City will not have adopted the necessary rezonings (Crocker Park and Southwest Bayshore) specified in the 2007 Housing Element before the end of 2014, that unmet portion of the 2007-14 RHNA is carried forward to the 2015-2022 Housing Element period (see Housing Element Section III.1.1 & Appendix C). Per state law, the rezonings necessary to meet the shortfall must be adopted by January 31, 2016.

The following is a summary of the rezoning shortfall, or carry-over, and the currently required RHNA for the 2015-2022 planning period:

	RHNA 2007-14 Carry-Over	RHNA 2015-22	**Total Combined RHNA for 2015-22 Housing Element**
Very low income	89	25	**114**
Low Income	54	13	**67**
Moderate Income	67	15	**82**
Above Moderate Income	-	30	**30**
Total	**210**	**83**	**293**

In calculating the shortfall, credit was given for the above moderate income housing capacity under current zoning (including the SCRO-1 District in Southwest Bayshore), as well as lower income housing capacity of Brisbane Housing Authority owned sites, secondary dwelling unit projections, and that portion of the already approved 30 unit condominium complex at 3750-3780 Bayshore Boulevard which was required to include affordable units, consistent with the City's affordable housing ordinance.

In planning to provide adequate sites, relevant state requirements applicable to the low and very low income housing provisions of the RHNA include the following:

- A minimum unit density of 20 units per acre is assumed by State law [Government Code Section 65583.2(c)(3)(B)(iii)] to be necessary to accommodate housing affordable for lower income households.
- A minimum site area sufficient to permit at least 16 units per site is also required per Government Code Section 65583.2(h) [note that at a minimum density of 20 units per acre, the smallest site that could accommodate 16 units would be 0.8 acre (34,848 sq. ft.)].
- At least 50 percent of the lower income housing need must be accommodated on sites designated for residential use and for which nonresidential uses or mixed-uses are not permitted, per Government Code Section 65583.2(h).
- The sites must be zoned to permit owner-occupied and rental multifamily residential use *by right*, not subject to use permit, planned unit development permit, or other discretionary local government review or approval (excluding subdivision approval and non-discretionary design review requiring compliance

with objective, quantifiable, written development standards consistent with meeting the City's RHNA) per Government Code Section 65583.2(i).

Recommended Sites-- Based on the 2015-22 RHNA and the need to find adequate sites to replace the Southwest Bayshore residential district,the Planning Commission evaluated a number of alternative sites. Sites that were identified and/or considered and rejected are summarized in attached Housing Element Tables 35 and 36. To achieve the required number of sites, the Draft 2015 Housing Element proposes an overlay zone allowing mixed-use and residential uses in Crocker Park in the vicinity of the Brisbane Village Shopping Center (see attached exhibit and Housing Element Section I.3).

This approach to complying with the RHNA requirements builds upon the 2007 Housing Element and is consistent with the recommendations from Crocker Park TAP Report. In the Draft 2015 Housing Element, the proposed "affordable housing overlays" (AHO) would offer incentives to provide dwelling units at densities high enough to accommodate affordable housing either in residential or mixed use developments in the TC-1 Crocker Park Trade Commercial District (see Housing Element Sections V.2.3 & V.3.3). Specifically, a residential affordable housing overlay would be adopted for 3 properties on the south side of Park Lane, and a mixed use affordable housing overlay would be adopted for 2 properties on the east side of Park Place.

		Acres	Units at Minimum Density	Units at Maximum Density
Park Lane Residential AHO (Minimum 26 Units/Acre, Maximum 30 Units/Acre)				
	91-99 Park Lane	1.855	49	55
	105-115 Park Lane	2.142	56	64
	145 Park Lane	2.876	75	86
Subtotal			180	205
Park Place Mixed Use AHO (Minimum 20 Units/Acre, Maximum 30 Units/Acre)				
	25 Park Place	1.249	25	37
	41-43 Park Place	1.118	23	33
Subtotal			48	70
GRAND TOTAL			228	275

The minimum density of 26 units per acre for the Park Lane Residential AHO is proposed to the meet the RHNA numbers, given that only 50% of the lower income units may be provided in the Park Place Mixed Use AHO (which has the minimum 20 units per acre density required to be considered affordable under the Government Code). Note that the maximum density proposed under both overlays would be 30 units per acre (see Table 38). This upper limit is the highest density currently specified in the Zoning Ordinance (the R-3 District); although, higher densities have been approved in the NCRO-2 District.

As shown on Table 35, the proposed AHO sites, combined with presently zoned sites, would meet the above outlined RHNA requirements and state law provisions regarding density, lot size and type of use ratio (mixed use vs. residential only). Note that the

proposed capacity that would exceed the RHNA in the very low and low income categories would also be affordable to moderate income households. This surplus of 53 units can be carried forward to meet the deficit in the moderate income category, to provide an overall surplus of 3 units in the very low, low and moderate income categories. Overall, including market-rate (above moderate income) dwelling units, the zoning would result in 391 units, which would accommodate 98 units over the current and carry-over RHNA of 293 units for the upcoming Housing Element. This would provide some flexibility in how these requirements are ultimately satisfied.

	Combined RHNA 2007-14 Carry-Over + 2015-22	Current and Proposed Zoning	Surplus
Very low income	114	234 combined	53 combined
Low Income	67		
Moderate Income	82	32	[-50]
Above Moderate Income	30	125	95
Total	**293**	**391**	**98**

The proposed affordable housing overlays would be implemented through housing programs listed in Chapter VI. As noted previously, The City's deadline to complete the rezoning meet the 2007-2014 shortfall is January 31, 2016. The deadline to complete the rezoning to meet the 2015-2022 allocation is May 31, 2018.

Updated Housing Policies and Programs—Several changes proposed between 2007-2014 Housing Element and the draft 2015 Housing Element are highlighted below. A comprehensive comparison of each of the policies and programs from the Draft 2015-2022 Housing Element to the previous 2007-14 Housing Element is attached to the August 28, 2014 Planning Commission agenda report.

- *Policies Related to New Crocker Park Overlay Zoning*

The introduction of residential uses into Crocker Park creates a need to balance the creation of a suitable residential environment with maintaining the viability of nearby industrial and commercial properties and uses. DCT, a major property owner within Crocker Park, including the Park Place properties proposed for the residential overlay zone, expressed concern that the introduction of residential uses not impair, restrict, or limit ongoing or future industrial uses nearby. The need for balance is recognized, and Policy H.D.2 was added to introduce recognize the City's goal of creating a suitable residential neighborhood while maintaining the long-term viability of surrounding industrial uses. Proposed Program H.D.2.a would partially implement this policy through review of the TC-1, NCRO-1 and NCRO-2 District regulations to promote land use compatibility with new adjacent residential uses. Program H.D.1.b is proposed to be modified as shown below to recognize that new residential development also has an obligation to promote land use compatability with adjoining industrial areas by requiring the new overlay zone to incorporate appropriate design features.

Program H.D.1.c 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.

- *Overlay Zoning Implementation*

The 2007 Housing Element specified form-based zoning as the tool to implement the proposed Crocker Park mixed-use zoning. The benefit of form-based zoning is that it enables the City to proactively define the desired physical form and character of future development by establishing development standards, thereby avoiding the need for discretionary design review which is not allowed per state law. However, form-based zoning is not the only such tool available to achieve this objective. Site plans, precise plans, performance-based zoning, and hybrid zoning (combination of form-based and conventional codes) are all tools that would allow the City to proactively define its vision and establish appropriate developments standards to implement the vision. Instead of specifying form based zoning as the only method, the language in Program H.D.1.c has been broadened to provide greater flexibility to the City in choosing the tool to be used in establishing the the zoning overlays, providing that whatever means the City uses to establish the overlay zones will comply with the streamlined design review required per Government Code Section 65583.2(i).

- *Secondary Dwelling Units*

Under Program H.B.1.e a number of measures are recommended to encourage the creation of secondary dwelling units. These include:

- reducing administrative Secondary Dwelling Permit fees for units created within the building envelope of existing single-family residences;
- exploring the potential to implement a loan program for secondary dwelling unit construction; w
- working with Landmark at the Ridge property owners to consider amending the Northeast Ridge PD Permit to permit conversion of existing floor area within building envelopes to accommodate secondary dwelling units,
- providing technical assistance to streamline the process for owners and encouraging well-designed secondary units that meet the City's standards;
- exploring the possibility of reducing or eliminating the lot size minimum for development of secondary units; and
- publicizing these programs as they are implemented.

In addition, Program H.B.1.d is proposed to be revised to include the option of reducing or eliminating the administrative Secondary Dwelling Permit fee for secondary dwelling unit projects which agree to rent restrictions, in compliance with the state law and the California Civil Code's restrictions on rent control. With Program H.I.1.c reducing the parking requirements for smaller secondary dwelling units, these programs should collectively encourage property owners to take advantage of the unmet potential for construction of secondary dwelling units.

- *Inclusionary Housing Requirements*

Statewide litigation now precludes the City from enforcing its inclusionary housing requirements to provide a percentage of low/moderate income housing in most rental projects. Program H.B.4.b requires the City to update its inclusionary zoning requirements to comply with the requirements of state laws as interpreted by the courts.

- *Funding for Low/Moderate Income Housing*

The dissolution of redevelopment agencies has eliminated local government's primary source for funding low and moderate income housing projects. The Draft 2015 Housing Element includes several programs the City Council may wish to consider in the future to generate funding for low and moderate income housing. The City is presently participating in a countywide nexus study looking at the extent to which new development (both residential and nonresidential) indirectly generates the need for additional low and moderate income housing. Based on the nexus study results, the City might wish to consider the adoption of a housing impact fee and/or commercial linkage fee to help fund affordable housing (Program H.H.1.a). Such fees could be collected from developers of market-rate housing and commercial projects. The program set forth in the Housing Element does not commit the City to adopt such fees; rather it provides the flexibility for the City to consider such an action in the future. The nexus study now underway might also support the retention of the City's inclusionary housing requirements as discussed above.

Another potential funding source suggested by the Housing Leadership Council of San Mateo County is for the City to earmark some portion of the additional property taxes returning to the City stemming from the dissolution of the Redevelopment Agency for low and moderate housing purposes. This concept is incorporated as Policy H.B.9, which couches this as a suggestion and not a requirement.

Environmental Determination:

An Environmental Initial Study (attached to Planning Commission report) has been preliminarily drafted, 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 prepared. 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. Because the draft Housing Element may be subject to changes in response to comments from HCD and others, requiring revision of the draft Environmental Initial Study, formal public hearings on approval of the Negative Declaration will be scheduled in conjunction with the Planning Commission's and City Council's public hearings on adoption of the 2015-2022 Housing Element later this year.

Fiscal Impact:

The funding sources for implementing the Housing Element are expected to be absorbed within current operating budgets, as listed in Section VI.1.3.

Measure of Success:

Implementation of the programs listed in Section VI.1.3 of the Housing Element to achieve the Quantifiable Objectives identified in Table 47.

Attachments:

Draft Resolution 2014-40
Figure HE-2 Proposed Rezoning Sites
Tables 35-Summary of Housing Sites Inventory
Table 36- Sites also Considered for Rezoning to Residential
Planning Commission Resolution GPA-1-14-A
September 11, 2014 Planning Commission Report, Minutes, and Correspondence
August 28, 2014 Planning Commission Report, Minutes and Correspondence
Draft 2015-2022 Housing Element (previously provided to the City Council and available at the Community Development Department or at *http://www.brisbaneca.org/planning/2015-2022-housing-element*)

John Swiecki, Community Development Director

Clay Holstine, City Manager

draft
RESOLUTION 2014-40

A RESOLUTION OF THE BRISBANE CITY COUNCIL
TO FORWARD THE DRAFT 2015-2022 HOUSING ELEMENT TO
THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT FOR REVIEW

WHEREAS, a draft 2015-2022 Housing Element has been prepared for review and comment by the California Department of Housing and Community Development prior to adoption by amending the General Plan; and

WHEREAS, on August 28 and September 11, 2014, the Planning Commission held public hearings on updating the 2007-2014 Housing Element, recommending that the City Council forward the draft 2015-2022 Housing Element to the Department of Housing and Community Development; and

WHEREAS, the City Council held a public meeting on the draft 2015-2022 Housing Element on October 2, 2014, and considered the testimony presented and reviewed the Planning Commission's recommendation and the minutes of its meeting, which is incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Brisbane City Council that the draft 2015-2022 Housing Element be forwarded to the California Department of Housing and Community Development for review and comment.

_____
W. CLARKE CONWAY, Mayor

I hereby certify that the foregoing Resolution 2014-40 was duly and regularly adopted at a regular meeting of the Brisbane City Council on October 2, 2014, by the following vote:

AYES:
NOES:

_____
Sheri Marie Spediacci, City Clerk

Figure HE.2
City of Brisbane
Proposed Re-zoning Sites

Table 35 -Summary of Housing Sites Inventory

	Subdistrict)	Current Zoning & Sites ID	Proposed Rezoning of Specified Sites	Size (Acres)	V. Low Income Units	Low Income Units	Mod. Income Units	Above Mod. Income Units	Total Units	Notes
1.	**2007-14 CARRY-OVER RHNA REQUIREMENTS (Not Re-zoned: Crocker Mixed Use NCRO-3 & Southwest Bayshore R-SWB)**				**89**	**54**	**67**	**-**	**210**	
2.	**2015-22 RHNA REQUIREMENTS**				**25**	**13**	**15**	**30**	**83**	
3.	**GRAND TOTAL RHNA REQUIREMENTS (#1 Carry-over) + (#2 2015-22 RHNA)**				**114**	**67**	**82**	**30**	**293**	
CURRENT ZONING	Mixed Use									
	Central Brisbane	NCRO-2: Infill sites (see Table E.1)	NA	0.81	2	2		10	14	
	Southwest Bayshore	SCRO-1: North End Infill sites (See Table E.2)	NA	5.01	-	2	3	35	40	Based on development proposal for 3700 Bayshore and approved development for 3710-3760 Bayshore Blvd..
		SCRO-1: South End Infill sites (See Table E.3)	NA	7.02	-		-	25	25	Vacant sites included only. Zoning allows for up to 30 units/acre. Unit count is based on density of 10 units/acre, as approved for 3710-3760 Bayshore Blvd., with similar site constraints.
	Residential Only									
	Central Brisbane	R-1: various infill vacant and potential lot split sites (see Table E.4)	NA	8.95	-		-	47	47	Includes 37 vacant sites and 12 potential lot splits. SDU's shown separately, next row.
		R-1: SDU's (see Table E.5)	NA		-		7	-	7	Potential SDU's are based on trends.
		R-2: vacant sites (see Table E.6)	NA		-		1	2	3	Zoned vacant sites
		R-3: vacant sites (see Table E.7)	NA				-	2	2	Zoned vacant sites
	Brisbane Acres	R-BA: privately held sites (See Tables E.8 & E.9)	NA	See App. E	-	-	-	2	2	Numerous vacant sites, potential units are based on trends, given site constraints.
		R-BA: Brisbane Housing Authority Sites (See Tables E.8 & E.9)	NA	4.03			21	-	21	Contiguous Lot No's 18, 23 & 24, adjacent to San Bruno Ave. and Gladys Ave. Unit count based on staff analysis of site constraints and opportunities. Units may be made affordable to lower income than indicated.
4.	**CURRENT ZONING TOTALS**				**2**	**4**	**32**	**123**	**161**	
5.	**CURRENT ZONING SHORTFALLS (#3 Grand Total RHNA) – (#4 Current Zoning)**				**112**	**63**	**50**	**-**	**225***	***Shortfall is driven by very low and low income units, as follows: 112 VL + 63 L +50 Mod + 0 Above Mod = 225 units. The above moderate surplus does not offset the shortfall in the lower income categories.**
DESIGNATED REZONING	Mixed Use									
	Crocker Park	TC-1 zoning: 25 Park Place	Park Place Mixed-use Affordable Housing Overlay (20 units/acre min.)	1.25	25		-	-	25	The subtotal for this area is: 25 + 23 = 48 potential units
		TC-1 zoning: 41-43 Park Place		1.11	23		-	-	23	
	Residential Only									
	Crocker Park	TC-1: 91 – 99 Park Lane	Park Lane Residential Affordable Housing Overlay (26 units/acre min.)	1.85	49		-	-	49	The subtotal for this area is: 49 + 56 + 75 = 180 potential units
		TC-1: 105 – 115 Park Lane		2.13	56		-	-	56	
		TC-1: 145 Park Lane		2.87	75				75	
6.	**PROPOSED REZONING TOTALS**				**228**		**0**	**0**	**228**	
7.	**POTENTIAL HOUSING SITES GRAND TOTAL (#4 Current Zoning + #6 Rezoning)**				**(2 + 4) + 228 = 234**		**32**	**123**	**389**	
8.	**SITES INVENTORY VS. RHNA REQUIREMENT: (#7 Potential Housing Sites Grand Total) – (#3 Grand Total RHNA)**				**234 – 181 = 53**		**32 – 82 = -50**	**123 – 30 = 93**	**96**	**Existing Zoning and Proposed Rezoning results in 96 units over the total RHNA and 3 units over the RHNA for very low, low and moderate income categories.**

H.1.22

Table 36
Outline of Sites Also Considered for Rezoning to Residential Uses

Current Land Use Area ((E) Zoning District)	Current Zoning/Sites	Proposed Rezoning of Specified Sites	Size (Acres)	V. Low Income Units	Low Income Units	Mod. Income Units	Above Mod. Income Units	Total Units	Notes
Sierra Point	SP-CRO: 9000 Marina Boulevard	NA	6.13	Considered for rezoning to housing, but not included. See notes.					Vacant site adjacent to the Brisbane Marina. Currently Master Planned for a hotel.
Crocker Park	TC-1: 280 Old County Road	NA	1.46	Considered for rezoning to housing, but not included. See notes.					Post Office location. Serves as a link between existing and proposed NCRO districts and the proposed R-4 district. See policy for potential rezoning.
	TC-1: 125 Valley Drive	NA	4.54	Considered for rezoning to mixed-use, but not included. See notes.					Warehouse site previously designated (2007-2014 Housing Element) for mixed use with a minimum housing density. Site has been substituted for sites along Park Lane.
Central Brisbane	NCRO-1: 70 Old County Road	NA	1.17	Considered for rezoning to housing, but not included. See notes.					Bank of America location. Together with the Brisbane Village Shopping Center, serves as a gateway site to Central Brisbane. See policy for potential rezoning.
	NCRO-1: 118 Old County Road	NA	2.04	Considered for rezoning to housing, but not included. See notes.					Brisbane Village Shopping Center, adjacent to proposed NCRO-3 district shown on previous table. Together with the B of A site, it serves as a gateway site to Central Brisbane. See policy for potential rezoning.
Southeast Bayshore	M-1: 3745 Bayshore Blvd (former "VWR" Site)	NA	11.41	Considered for rezoning to housing, but not included. See notes.					Sites have been recently, largely vacated and were considered for residential zoning, but given their location, separated from Central Brisbane shops and services and proximity to the CalTrain rail-line, US 101 and the Brisbane Lagoon present unique challenges.
	M-1: 3775 Bayshore Blvd	NA	3.63						
	M-1: 3795 Bayshore Blvd	NA	3.08						

RESOLUTION GPA-1-14-A

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BRISBANE
RECOMMENDING THAT THE CITY COUNCIL FORWARD
THE DRAFT 2015-2022 HOUSING ELEMENT TO
THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
FOR REVIEW

WHEREAS, on August 28, 2014 and September 11, 2014, the Planning Commission held public hearings on updating the 2007-2014 Housing Element; and

WHEREAS, a draft 2015-2022 Housing Element has been prepared for review and comment by the California Department of Housing and Community Development prior to adoption by amending the General Plan; and

WHEREAS, the minutes of the Planning Commission meetings of August 28, 2014 September 11, 2014 are attached and incorporated by reference as part of this resolution.

NOW, THEREFORE, based upon the evidence presented, both written and oral, the Planning Commission of the City of Brisbane hereby RECOMMENDS that the City Council forward the draft 2015-2022 Housing Element to the California Department of Housing and Community Development prior to adoption.

AYES: Commissioners Do, Cunningham, Munir, Parker and Reinhardt
NOES:
ABSENT:

Karen Cunningham
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

H.1 24

City of Brisbane
Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

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

DATE: November 17, 2014

City Council Goals:

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

Purpose:

To update the Housing Element (one of the mandatory elements of the City's General Plan) by the state-mandated deadline of January 31, 2015.

Recommendation:

Adopt Resolution 2014-40 authorizing staff to submit the draft 2015-2022 Housing Element to the California Department of Housing and Community Development (HCD) for review.

Background:

This matter was considered by the City Council on October 2, 2014 and referred to an ad hoc council subcommittee consisting of Councilmembers Liu and O'Connnell. The subcommittee met and discussed several issues as discussed below, and the purpose of tonight's meeting is to allow for further council discussion with the goal of authorizing the submission of the Draft housing element to HCD.

Discussion:

A summary of the issues discussed by the subcommittee follows below:

Issues

"Excess' housing capacity: the concern was raised that the proposed sites rezoning to accommodate the City's Regional Housing Needs Allocation (RHNA) resulted in zoning for more residential lots than required to meet RHNA requirements. It was explained that the City's RHNA requirements are grouped by income category (very low, low, moderate, market rate). The city's shortfall occurs in the very low, low and medium categories while we have an excess of market rate housing sites, which cannot be credited toward the lower income categories of the RHNA. The "excess capacity" is therefore within the market rate housing category based on current zoning. The only method to eliminate this "excess capacity" would be to downzone existing residentially zoned properties

Mixed Use versus residential only to meet RHNA: The Planning Commission recommended that City's RHNA requirements be met by a combination of mixed use and residential only zoning in the southeast Crocker Park area. The concern was raised that mixed use would result in less desirable and more intense development than would otherwise result if sites were developed for housing only. Either form would meet the RHNA requirements. There was no consensus between the subcommittee members as to the preferred approach.

Secondary dwelling units at the Ridge: The subcommittee recommended deletion of the proposed policy to explore allowing the establishment of secondary dwelling units within existing building footprints at the Ridge.

Adoption deadline: The City Attorney is researching statutory deadlines for adoption and will report their findings at the November 17 meeting.

John Swiecki
Community Development

Clayton Holstine
City Manager

NEW BUSINESS

A. Consider adopting Resolution No. 2014-40 directing staff to forward the Draft 2015-2022 Housing Element to the California Department of Housing and Community Development (HCD) to review

Community Development Director Swiecki reported that State law requires all jurisdictions to periodically update their General Plan Housing Elements, noting that the next Housing Element cycle runs from 2015-2022 and that the state-mandated deadline to adopt the Housing Element is January 31, 2015. He said that procedurally, the City Council is not considering adoption of the Housing Element at this meeting, rather the purpose is for the Council to authorize staff to submit the Draft 2015 Housing Element for the Department of Housing and Community Development's (HCD) review prior to its adoption at a later date by the Council, which is a procedural requirement of State law.

He explained that the purpose of adopting a Housing Elements was to plan for housing needs of all economic segments of the City's population, balanced with land-use, environmental and other City goals. He said the Housing Element also included the establishment of goals, policies, objectives, and programs for the preservation, improvement and development of housing as well as an implementation program.

He then explained the key changes which included a shortfall from 2007-2014 Housing Element of 210 units in addition to the new requirements for 2015-2022 of 83 units. He showed a chart and maps of the proposed numbers and areas that the Planning Commission recommended after holding eight housing element study sessions.

He clarified that the numbers being proposed were not for actual units being built but for the zoning to include that number of units.

It was noted that CM Liu had provided a copy of minor typographical corrections to staff.

Staff members answered initial questions from Councilmembers on the timing and consequences of getting the Draft Housing Element to HCD.

Michele Salmon expressed her concerns and displeasure with having to provide Regional Housing Numbers to the State. She also objected to allowing any secondary housing units at the Ridge and in the Brisbane Acres.

After further Councilmember discussion, clarification, and questions, it was decided to form a Council Subcommittee of CM O'Connell and CM Liu to meet with staff and Planning Commissioners to discuss various concerns and get an understanding of the Planning Commission's recommendation. They also set Monday, November 10th as the next date for the City Council to consider this issue. The Subcommittee agreed to create an outline for that meeting.

BRISBANE CITY COUNCIL

ACTION MINUTES

SPECIAL MEETING

MONDAY, NOVEMBER 17, 2014

Brisbane City Hall Community Room, 50 Park Place, Brisbane

7:30 p.m. CALL TO ORDER

Mayor Conway called the meeting to order at 7:39 p.m. and led the flag salute.

ROLL CALL

Councilmember's present:	Lentz, Liu, Miller, O'Connell, and Mayor Conway
Councilmember's absent:	None
Staff present:	City Manager Holstine, City Clerk Spediacci, Assistant City Attorney Stricker, Community Development Director Swiecki, Community Development Special Assistant Tune, Senior Planner Johnson

OLD BUSINESS

A. Consider adopting Resolution No. 2014-40 directing staff to forward the Draft 2015-2022 Housing Element to the California Department of Housing and Community Development (HCD) to review *(CONTINUED FROM OCTOBER 2, 2014)*

Mayor Conway stated that the Council would be considering adoption of the Resolution directing staff to forward the Draft 2015-2022 Housing Element to the California HCD and noted this was a continued discussion from the Council meeting of October 2, 2014.

CM Miller proposed having staff give a presentation, then having the Council Housing Element Subcommittee give a report on their review of the various issues, followed by Council questions and clarifications, and then finally Council discussion of the policy issues. Other Councilmembers concurred.

CM Miller made a motion, seconded by CM O'Connell, to adopt the agenda as outlined above. The motion carried unanimously by all present.

Community Development Director Swiecki gave a PowerPoint presentation recapping information presented at the October 2nd Council meeting, including the Housing Element requirements, purpose, background and key changes in this cycle. He then reviewed the Regional Housing Needs Allocation (RHNA) for Brisbane, site criteria, the proposed key policy and program changes, and showed a summary chart of RHNA vs. Zoned Residential Site numbers.

He then reviewed some of the issues that the Council Subcommittee discussed, including "excess" housing capacity, mixed-use versus residential-only to meet RHNA numbers, secondary dwelling units at the Ridge, and the statutory deadlines for adoption.

Councilmembers asked questions of the Assistant City Attorney in regards to penalties for not meeting State deadlines for submittal of the Housing Element and for not completing the rezoning submitted to the State in the last cycle.

Assistant City Attorney Stricker responded in part but proposed to give Council more detailed information in advance of their City Council meeting on the upcoming Thursday night.

Councilmembers asked question of staff relating to the impact of rezoning and downsizing of zoning, requirements of property-owner approval, and affordable housing.

Mr Haugen said he was the property owner of some of the sites proposed to be rezoned and indicated that 145 Valley has been vacant for some time. He asked that the Council let the industry function freely and let the market regulate itself.

Assistant City Attorney Stricker said she had been able to research the Council's earlier questions on what would happen if the City does not rezone as submitted to the State in the last Housing Element. She advised that if the City fails to rezone then the State would have the ability to rezone on behalf of the City.

Community Development Director Swiecki said that the State had granted a one-year grace period for the rezoning from the prior RHNA cycle.

Assistant City Attorney Stricker then reported that there is a 120-day grace period built into the State's deadline for submitting the upcoming Housing Element and that there is not a monetary penalty for a late submittal. She advised that if the City exceeds the 120-grace period then it would be subject to a 4-year cycle for submitting Housing Elements without further 120-day extensions. She also stated that the State has 60 days to review and respond to the draft that the City submits prior to the City's own adoption.

Council Housing Element Subcommittee Members O'Connell and Liu then reported on their meeting with the Planning Commission and on the topics discussed at the Council Subcommittee meeting, including the effects of mixed zoning, the problems associated with secondary units at

the Ridge, discussion of housing policies and programs, and the City's responsibility to provide affordable housing.

CM Liu also referred to a hand-out that she asked staff prepare showing the City's portion of revenues from property tax of the subject parcels being considered for rezoning and the potential revenues from new housing.

Councilmembers discussed the proposed rezoning recommendation and the pros and cons of other ideas for rezoning and asked for clarifications from staff.

After a lengthy discussion on the different possibilities, Councilmembers decided to continue this matter until their meeting on Thursday, November 20th, allowing time for them to also review the proposed housing policies and submit their comments and suggested changes to staff.

ADJOURNMENT

The meeting was adjourned at 10:39 p.m.

Sheri Marie Spediacci
City Clerk

Kameliya Vladimirova said that she lived at Altamar at The Ridge and advocated for a proportionate rate structure where a person using 40 units of water would pay four times the amount of someone using 10 units.

Councilmembers asked questions of staff relating to the issues raised by members of the public. Administrative Services Director Schillinger explained the need for everyone to pay for the fixed costs of operating a water and sewer system and clarified that under the proposed structure people who use the most water do pay more.

CM Miller asked that information in regards to the improvements, rate structure, and increase be available on the City's website. Other Councilmembers concurred.

After further Councilmember discussion, Mayor Conway noted that CM Lentz had made a motion, seconded by CM O'Connell, to close the public hearing. The motion passed unanimously by all present.

CM O'Connell then made a motion, seconded by CM Liu, to adopt Resolution No. 2014-46 as presented. The motion carried unanimously by all present.

OLD BUSINESS

A. Consider adopting Resolution no. 2014-40 directing staff to forward the Draft 2015-2022 Housing Element to the California Department of Housing and Community Development (HCD) to review

Community Development Director Swiecki reported that there had been two previous City Council meetings where this issue was discussed and that at the last meeting Councilmember's agreed to send any questions or proposed changes regarding the Housing Element Policies to staff for response. He indicated that the written response to those questions and changes were provided to the Council and the public in the agenda packet distributed prior to this meeting.

Councilmembers discussed the proposed rezoning and issues related to minimum and maximum density, building height limits, mixed use, the penalties and process of not complying with the State's requirements or deadlines, and legal ramifications.

CM Miller referred to the revisions of the policies and programs proposed by staff in response to his suggestions. Councilmembers reviewed and discussed those proposed changes and concurred with the revisions.

CM Liu also made two suggested language changes to Program HI.1.B & C to eliminate language regarding secondary dwelling units at Landmark at the Ridge. Other Councilmembers concurred.

Anja Miller expressed her concern with the proposed zoning changes to Crocker Park and stated that an EIR should have to be conducted if housing was allowed in the Industrial Park. She urged the Council to take more time to come up with a better rezoning scenario.

Michele Salmon expressed her concern over the proposed rezoning and the height of buildings that could occur in the Crocker Industrial Park. She said she'd rather see higher density in places that already have housing.

Community Development Director Swiecki and Senior Planner Johnson used an excel spreadsheet to show how the various re-zoning scenarios discussed by Council would affect the Regional Housing Numbers Allocation (RHNA) numbers.

CM O'Connell expressed the desire to be more creative in formulating the housing numbers and expressed dissatisfaction with the draft Housing Element. She said she would rather see the STRS property as mixed use, with higher density on housing on Park place and if necessary, at 91-99 Park Lane. She objected to mixed use on Park Place and said she would prefer residential only on Park Place.

Michele Salmon spoke of her concern with playing a numbers game with the State and urged Councilmembers to consider changes to the Planning Commission's recommendation.

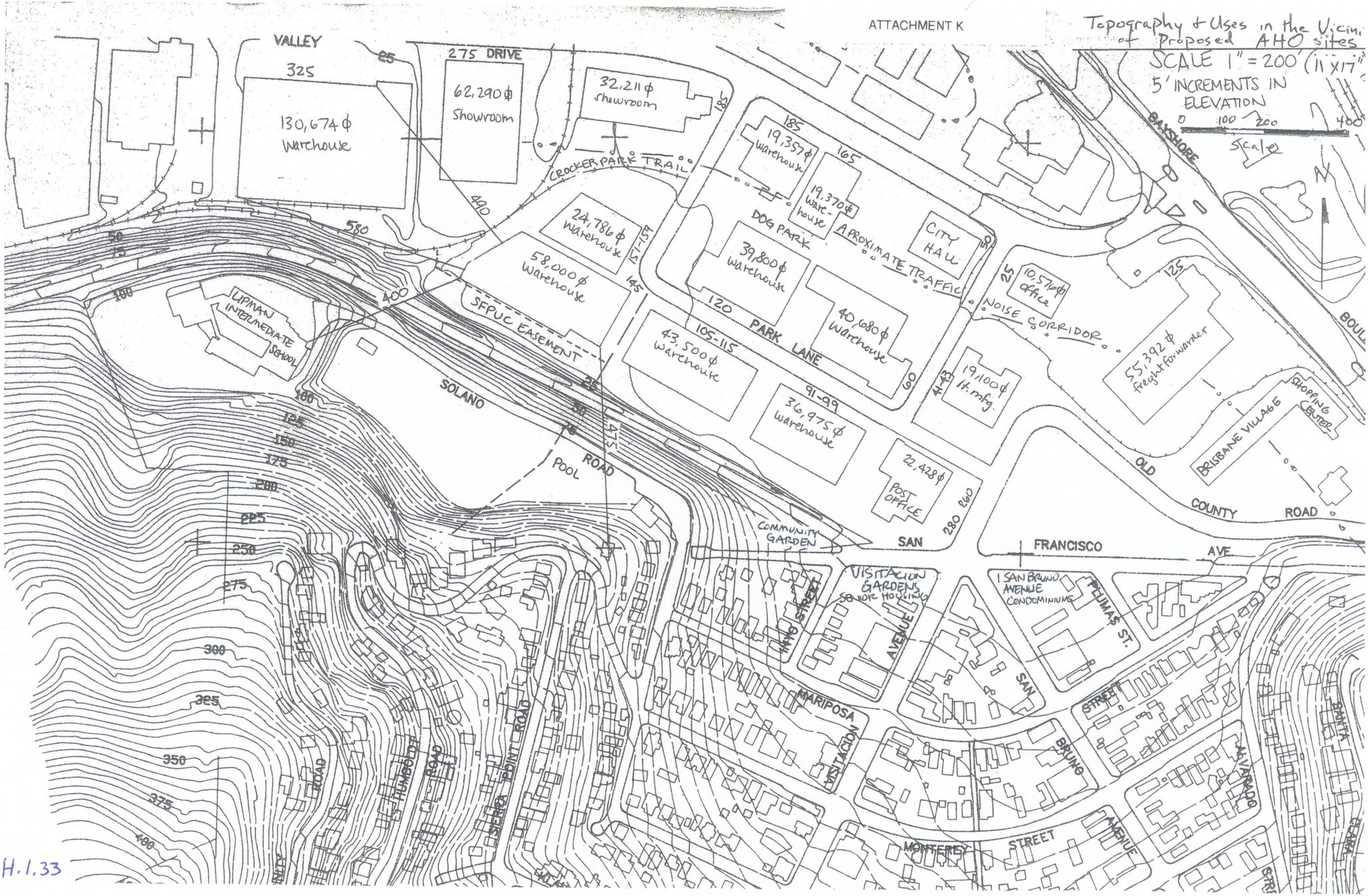
CM Miller objected to the high density overlay proposal for the commercial warehouses on Park Lane. He argued that it was a mistake for two reasons. First, it potentially removes fiscally viable commercial properties from the tax rolls. Second, it potentially places large numbers of residents in the middle of a warehouse district with 24 hour-a-day noise and pollution – an unhealthy environment. He said that this is especially true for the biggest and most westerly of the three properties involved. He said that if the focus remained on this area of the City, then the proposed rezoning of the Brisbane Village parcel should continue to be mixed use as was the case in the last Housing Element. Furthermore, CM Miller argued that other locations, where the prospect for housing is more realistic, should be investigated. He suggested Sierra Point and the Levinson property. He said that allowing some housing at the Main Street base of the Levinson property could provide leverage for obtaining a substantial part of this property as dedicated open space as envisaged in the Open Space Plan.

Councilmembers continued to discuss various changes to Planning Commission's recommended zoning changes and also about the upcoming deadlines imposed by the State.

After some discussion, Mayor Conway proposed going forward and approving the Planning Commission's recommendations with the language changes to the policies and programs discussed earlier. CM Miller and O'Connell expressed their desire to continue to consider other rezoning scenarios.

After further Councilmember questions and clarification, CM Lentz made a motion, seconded by CM Liu, to adopt Resolution No. 2014-40 with the attached changes proposed by CM Miller and CM Liu. The motion passed 3-2. CM Miller and CM O'Connell opposed.

ATTACHMENT K



H.1.33

ATTACHMENT L

City Council 11/20/14 mtg.
Hand out
from
Finance Director

Revenues from Exisiting Businesses in Subject Parcels

Address		
25 Park Pl.	Arthur Court	Less than $5,000
41-43 Park Pl.	SFO Apparel	Between $5,000 and $10,000
125 Valley Dr	Pitney Bowes Pre-Sort	Less than $5,000
91 Park Ln	Trillium Graphics	Less than $5,000
93-95 Park Ln	Bake Express	Less than $5,000
	Bakers of Paris	Less than $5,000
115 Park	Zarc Recycling	Less than $5,000
145 Park Pl.	Wine Country	Less than $5,000

City Portion of Property Tax from Subject Properties

		Assesed Value	Total Taxes	City Portion
005-212-100	$	1,186,198	$ 11,862	$ 2,372
005-202-160	$	3,497,395	$ 34,974	$ 6,995
005-202-200	$	5,080,000	$ 50,800	$ 10,160
005-202-150	$	5,960,000	$ 59,600	$ 11,920
005-190-100	$	7,950,000	$ 79,500	$ 15,900
Total	$	23,673,593	$ 236,736	$ 47,347

20% portion of Total Taxes goes to Brisbane

New Housing

240 Units @ $500,000 a unit	$	120,000,000	$ 1,200,000	$ 240,000
240 Units @ $750,000 a unit	$	180,000,000	$ 1,800,000	$ 360,000

11/20/14

ATTACHMENT M

Housing Element (2015-2022)Comments

from Council Member Ray Miller

Highlighted text are excerpts from the draft housing element proposed for revision by staff in response to comments. Specific proposed revisions are *italicized*

Comment 1. **IV 1.2.3. (IV-17) Top paragraph should note that tax increment from redevelopment agencies was the only realistic source of significant funding for affordable housing in small communities. In the second paragraph the sentence that offers subsidies for private development should be deleted as totally unrealistic.**

Response 1 Revise top paragraph to read: "... In addition to Federal cuts, the State dissolved Redevelopment agencies in 2012, resulting in a loss of millions of dollars in funds for affordable housing. *The tax increment for low and moderate income housing from Redevelopment agencies was the most significant source of funding for affordable housing in small communities.* However, Low Income Housing Tax Credits still provide an important source of funding, so it is important for jurisdictions to consider which sites are eligible for affordable housing development (Baird + Driskell Community Planning)."

Revise the second paragraph to read: "…To help address construction loan constraints for affordable housing developers, *the City could consider use of its limited* Brisbane Housing Authority Low and Moderate Income Housing Funds to subsidize development costs in privately financed *affordable* residential and mixed-use projects."

Lastly to recognize the City;'s limited funding opportunities the following is suggested to the end of the second paragraph of Section VI.1: *"The City's ability to implement its policies through the listed programs will be subject to availability of funding. Given the City's limited resources, programs may need to be prioritized to achieve the City's objectives in the context of compliance with State law."*

2. *Comment 2* V.2.1 (V-2) End of last paragraph should be corrected to remove 163 Visitacion as property of the Housing Authority.

Response 2 Revise the last two sentences: "Most recently, the Redevelopment Agency purchased property above McLain Road as an anticipated development site *(now owned by the Brisbane Housing Authority)*, in addition to property previously acquired at 163 Visitacion Avenue *(now owned by the City of Brisbane)*. ~~These properties are now owned by the Brisbane Housing Authority.~~"

Comment 3 **V.2.2. The density bonus ordinance is referenced in several places. However, the current situation is unclear nor are the proposed amendments specified.**

Response 3 The City's density bonus ordinance (BMC Chapter 17.31) was adopted in 2009 to comply with State law (Government Code Sections 65915 and 65917) in effect at that time, which required that cities allow more units to be built on a site in exchange for developing specific types of housing according to very specific formula. Since that time, State law [Government Code Section 65915(n)] has been amended allowing cities to adopt ordinances to grant proportionate density bonuses for certain projects that do not meet or exceed the State requirements. The specific details of such an ordinance for Brisbane would be worked out through the process to amend the Municipal Code per proposed Program H.B.5.a. This program is a carry-over from the previously adopted Housing Element, with an added requirement for an outreach program once the ordinance is adopted.

Comment 4. **V.2.3. The affordable housing overlay will presumably come with many incentives (exemptions from discretionary project-level approvals, higher permitted density, reduced parking ratios, expedited permit processing, increased height limits and floor area ratios, in-lieu and impact fee waivers, etc.). However, nothing much is specified. HCD may not care, but the Council should.**

Response 4 Development standards for the affordable housing overlay zone will be developed in conjunction with the proposed overlay zone, and the City Council will ultimately be responsible for reviewing and adopting those standards.

Comment 5 **V.2.4 The density transfer potential (46-62 units) is so inflated that it is misleading to all concerned. As noted in my earlier Brisbane Acres memo, it's time to rethink the whole Brisbane Acres zoning situation.**

Response 5 Revise the end of this paragraph to read: "The Housing Element estimates a *theoretical* potential for a current total of 46 to 62 density transfer units in the R-BA Brisbane Acres Residential District, depending upon the extent to which "paper streets" are included (Appendix E). *The realistic development capacity for the Housing Element's planning period identified in Table 35 is for 21 units, assuming that the property above McLain Road now owned by the Brisbane Housing Authority is developed as affordable housing through density transfer."*

Comment 6 **V.2.5. Reducing parking requirements will not reduce the number of cars. This move should only be undertaken in conjunction with a parking permit system.**

Response 6 The City's parking requirements for secondary dwelling units have been identified as a governmental constraint upon the provision of housing in at least the past two adopted Housing Elements. The Planning Commission has analyzed extensive

parking demand data to support its recommended amendments to the parking requirements, which are currently before the Council subcommittee. A parking permit system is already on the books (BMC Chapter 10.26), awaiting an application signed by occupants of at least 70% of the dwelling units within the boundaries of the proposed designated permit area.

***Comment 7* V.3.8 (V-9) The first paragraph notes that State law "enables secondary dwelling units." If State law "requires" local communities to allow secondary dwelling units, then how can HOA CCRs that prohibit SDW take precedence?**

When the State law (Government Code Section 65852.1 et seq.) was originally adopted, it applied to any "parcel zoned for a single-family residence." The Northeast Ridge is zoned for Planned Development. This is why proposed Program H.B.1.e.(c) referenced considering amendment of the PD Permit.

The Council subcommittee has recommended that Program H.B.1.e be revised:

"Program H.B.1.e To encourage development of secondary dwelling units:
(a) Reduce the administrative Secondary Dwelling Permit fees for units created within the building envelope of existing single-family residences, reflecting the reduced staff time required to process permits for such units;
(b) Explore the potential to implement a loan program for secondary dwelling unit construction;
(c) ~~Work with the Landmark at the Ridge property owners to consider amending the Northeast Ridge PD Permit to permit conversion of existing floor area within building envelopes to accommodate secondary dwelling units;~~
~~(d)~~ Provide technical assistance to streamline the secondary dwelling approval process for owners and encourage well-designed secondary units that meet the City's standards;
(d) ~~(e)~~ Explore the potential of reducing or eliminating the lot size minimum for development of secondary dwelling units;
(e) ~~(f)~~ As these programs are implemented, publicize the changes to encourage the development of applicable secondary dwelling units. Also see Program H.I.1.c."

***Comment 8* V.3.21. For Brisbane both the housing impact and commercial linkage fees seem counter-productive. They really don't fit small communities. It would be rather ironic if the voters don't approve housing in the Baylands, but that we then charge the developer for not providing the housing that he wanted to provide.**

Response 8 The linkage fee concept is based on data collected regionally which demonstrates that new development (whether it be office, industrial, commercial, or market rate housing) creates a demand for low/moderate income housing and that new development should bear at least some of these costs. This concept is among the programs suggested by the Housing Leadership Council of San Mateo County, San Francisco Organizing Project/Peninsula Interfaith Action and Greenbelt Alliance. HCD takes the comments of such stakeholder groups into consideration when it reviews the

City's draft Housing Element, and linkage fees are being explored by most jurisdictions in San Mateo County. Proposed Program H.H.1.a would not commit the City to imposing such fees, only to "Consider adopting requirements to collect housing impact fees from new market-rate housing developments and commercial linkage fees from new non-residential developments."

***Comment 9* V.3.22 For Brisbane to use the so-called "boomerang funds" for affordable housing is really a bad idea. First of all, any infrastructure financing partnership for the Baylands will undoubtedly require a stream of matching funds from the City. The property tax increment is the most likely source. Secondarily, ultimately development in the Baylands will provide additional tax revenue that could be tapped for affordable housing in the future. Hopefully, the State will have programs in place that assist communities, especially small ones, in this effort. If allowed, this whole section should be deleted, or it should be explained why it isn't feasible for Brisbane in this Housing Element time frame.**

Response 9 The referenced policy identifies 'boomerang funds' as an alternative to be studied and does not commit the City to adopting such a program. Staff is unaware of specific conditions which render such a concept infeasible, rather it would ultimately be a City Council policy decision. Proposed Policy H.B.9 states: "Study alternatives to replace the City's Redevelopment Low and Moderate Income Housing Fund, such as dedicating all of the ongoing year-over-year bump to property taxes that will come back to the City from the County, to provide affordable housing for extremely-low-, very-low-, low- and moderate-income households, including supportive housing for extremely-low income families and larger households, and support affordable housing proposals as opportunities arise and funds become available. Consider potential roles for the City Housing Authority in administering such funds." Since Section V.3.22 explains that the intention is to compensate for the loss of the 20% tax increment set-aside, the Policy could be revised to read: "Study alternatives to replace the City's Redevelopment Low and Moderate Income Housing Fund, such as dedicating ~~all or~~ a portion of the ongoing year-over-year bump to property taxes that will come back to the City from the County *equivalent to the 20% tax increment set-aside that had been generated through redevelopment…"*

***Comment 10* V.4.1 This section seems to promise rehabilitation funds that are highly unlikely to be available.**

Response 10 This section is intended to clarify that the Brisbane Housing Authority is allowed by State law to use its funds in rehabilitating certain privately-owned residential units as one of the potential means of "meeting housing needs" (see Section V.1). It does not commit the Housing Authority to fund such projects; although, assisting rehabilitation projects has been an ongoing Housing Element program (Program H.B.9.h is a carry-over from the 2007-2014 Housing Element; it was previously Program H11g in the 1999-2006 Housing Element). The Housing Authority currently has a fund balance of approximately $800,000.

Comment 11. **Program H.B.1.d. (VI-6) Is the administrative Secondary Dwelling Permit fee big enough for anyone to consider accepting rent restrictions? Furthermore, managing a rent restriction program can be very onerous.**

Response 11 The fee is currently $619. According to Table 30 in Section II.2.8, no rent is charged for many secondary dwelling units (typically occupied by family members). The City already monitors resale restrictions on affordable inclusionary units in the development at the corner of San Francisco and San Bruno Avenues.

Comment 12 **Program H.B.1.e(c) Wasn't the NER PD Permit superseded by a Specific Plan? See comment # 7 as it refers to Landmark?**

Response 12 Per BMC Section 17.28.020.A, the PD Permit is approved to implement the adopted Specific Plan. See response to #7.

Comment 13. **Program H.B.3.b. Same concern as comment #6. Only makes sense in conjunction with a parking permit system.**

Response 13 See response to #6.

Comment 14 **Program H.B.3.j. What is meant by "priority water and sewer service?"**

Response 14 Government Code Section 65589.7(a) states, "Each public agency or private entity providing water or sewer services shall grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households." Subsection (b) requires adoption of "written policies and procedures…with specific objective standards for provision of services in conformance with this section."

Proposed Program H.B.3.j could be clarified as follows: "~~Continue~~ *Adopt written policies and procedures with specific objective standards* to grant priority water and sewer service to housing units affordable to lower-income households in accordance with State law *[Government Code Section 65589.7 and Water Code Section 10631.17(a)70]. Continue to monitor water and sewer service supply and demand. Consider adopting regulations to assure that sufficient capacity is maintained to meet commitments to housing units affordable to lower-income households in accordance with State law."*

Comment 15. **Policy H.B.5. As noted in comment #3, how about some more specifics on density bonus ordinance, current and proposed?**

Response 15 See response to #3.

Comment 16. Policy H.B.9. As argued in comment #9, entire policy should be deleted.

Response 16 See response to #9 for suggested revisions.

Comment 17. **Program H.B.9.b. Since there is no money for purchasing additional land, program should be deleted.**

Response 17 The City Housing Authority currently has approximately $800,000 in its housing fund. This program does not commit the City to purchase land, rather it would support action by the City Council should funds and suitable sites become available.

Comment 18. Program H.B.9.d. Same comment, delete.

Response 18 See response to #17.

Comment 19. **Program H.B.9.*k*. Another program premised on money we do not have or will not have in foreseeable future. Delete.**

Response 19 Program H.B.9.h is an updated version of the 2007-2014 Housing Element's Program H.B.9.i. It could be revised to read: "Use City funds, *if available,* to provide leverage for state and federal programs for affordable housing that require a local match."

Comment 20. Program H.B.9.k Again, we do not have the funds to offer subsidies. Delete.

This proposed program (a carry-over from the 2007-2014 Housing Element) would allow the City Council to reduce or waive application processing fees for various types of affordable housing on a project-by-project basis, which is an ability the City Council currently has. To clarify this, Program H.B.9.k could be clarified to read: "Evaluate City fee schedules for processing development applications and consider ~~providing a subsidy~~ *reducing or waiving application development fees* for projects providing affordable housing for extremely-low-, very-low- and low-income households, including supportive housing for extremely-low-income families and larger households."

Comment 21. **Program H.D.1.c. In the affordable housing overlay, reference to minimum height ("at least three-story") should be accompanied by maximum height. At our last meeting 35 foot was suggested. Otherwise the Crocker Park's maximum of 50 foot might be assumed to prevail.**

Response 21 Staff would not support adding additional standards in the Housing Element language than is necessary. The 35-foot minimum was included only because HCD requested it in the previous housing element. Adding standards in this language will trigger HCD review and could ultimately constrain the City's rezoning process. Absent requirements from HCD the City Council retains the ability to establish appropriate height limits through adoption of the affordable housing overlays.

Comment 22. **Program H.D.2.a. This is an unrealistic program. Residential and light industrial are highly unlikely to be compatible in close proximity. Text mentions traffic and noise pollution, but not air pollution. The citizen objection to freight forwarders was mostly to do with air pollution, especially idling diesel trucks. No mitigation is suggested. It seems like an EIR issue.**

Response 22 The zoning regulations for the TC-1, NCRO-1 and NCRO-2 Districts already include standards and procedures to promote land use compatibility, including Use Permit approval for a number of conditional uses, including night operations (within 300 ft. of residential properties for the TC-1 District) and freight forwarders (in the TC-1 District). The impact of truck exhaust emissions is noted in Table 39, as well as the draft Initial Study/Negative Declaration for the 2015-2022 Housing Element [Section III.d) of which discusses the California Air Resources Board's recommendations for separating sensitive land uses and distribution centers generating a significant amount of truck traffic]. Note that proposed Program H.D.1.c states, "Include appropriate measures to mitigate any potentially significant environmental impacts."

Proposed Program H.D.2.a could be revised to read: "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 *under the new Park Place Mixed Use Affordable Housing Overlay and Park Lane Residential Affordable Housing Overlay* while maintaining the long-term viability of existing and permitted uses at nearby pre-existing commercial and industrial properties."

Comment 23. **Program H.E.1.d. What specific sites do the Planning Commission and Staff have in mind when they talk about "transit oriented development (within 1/4 mile of a transit stop)." The only multi-modal transit stop that has been discussed is in the Baylands, and it is way too premature to start talking about that. Suggest deletion.**

Response 23 This proposed program is a carry-over from the previous Housing Element. "Transit stop" would include bus stops along the Bayshore Boulevard arterial and does not specifically reference a "multi-modal transit stop.'

Comment 24. **Policy H.G.1. We should not use the term "smart growth" as it usually implies "transit and housing." Use of the term implicitly prejudges the outcome of the Baylands planning process even though it may not have been intended. Suggested rewording: "Participate in regional planning efforts to reduce greenhouse gas emissions."**

Response 24 No objection to proposed revision.

Comment 25. **Program H.H.2.a. Propose to be rewritten as follows: "Work with responsible agencies to protect identified environmentally sensitive areas,**

including but not limited to, wetlands, riparian habitat, and critical wildlife habitat. Deal responsibly with geologically hazardous areas, contaminated lands, areas subject to flooding and sea level rise, and electric transmission line corridors."

Response 25 No objection to proposed revision

Comment 26. **Program H.I.1.b. Again, any change in parking requirements should be done in conjunction with a parking permit system.**

Response 26 This proposed program is a carry-over from the previous Housing Element. See response to #6.

Comment 27. **Program H.I.1.c. Same comment as the preceding item.**

Response 27 This proposed program is a carry-over from the previous Housing Element. See response to #6.

Comment 28. **Program H.I.1.g. What do we hope to achieve by delivering the Housing Element to the SF PUC?**

Response 28 This is a requirement of Government Code Section 65589.7. See response to #14.

Comment 29. **Add Policy H.I.3. "Work with County, Regional, State and Federal agencies to mitigate social equity issues that result in low incomes, another important dimension to the housing affordability problem."**

Response 29 No objection to the proposed revision

11/20/14 mtg

ATTACHMENT N

Spediacci, Sheri

Subject: RE: Staff questions on housing element

From: "O'Connell, Terry" <terryoconnell@ci.brisbane.ca.us>
Date: November 16, 2014, 11:07:42 PM PST
To: O'Connell Terry AT SBC <toconnell11@sbcglobal.net>, "Holstine, Clay" <clayh@ci.brisbane.ca.us>
Subject: Staff questions on housing element

Clay, some questions for staff to respond to on the housing element.

Can the minimum density be met with a lower height 2-3 stories rather than the 3 stories minimum listed on housing element. The inclusion of the 3-story standard was based on a requirement from HCD in the last Housing Element. The City Council can delete but HCD may require that it be added back.

Can the City designate smaller floor plans in order to achieve more affordability for a flexible workforce ie: studios, 1 bedroom, efficiency unit, single bath regardless of size of units. Yes but the time to do that would be under be the zoning not Housing Element Policy. is there a minimum sq foot designated by the state for affordable units? No or is this market driven? Yes

Can the City designate or zone areas for rental stock? Purpose I.1 includes rental housing. City Attorney to respond

Desirability of condo sales vs rental stock to developers. . Anecdotally/historically Brisbane market is oriented toward for sale housing Price per sq foot value vs residential or commercial (listed prices for sq foot on record for the area for office/commercial/warehouse/owned units/rental units?) Will research, but this is a time/market-sensitive implementation question which is subject to change

Is there any mechanism to designate live/work lofts, or artist only unit and still qualify for low/mod designation? For purposes of Housing Element the relevant issue is residential only vs mixed use. If the city wants to pursue it should be explored through the zoning process.

% per State guidelines for mix of affordable/market rate ratio mix in a zoned development area? No such requirement in state guidelines. Requirement is that maximum of 50% of RHNA can be accommodated in mixed use versus standalone residential.

Have the less than 5000 sf non-conforming lots been included in our list of potential housing opportunities? Yes the Housing Element recognizes 12 such sites.

Economic value of mixed use vs residential to City budget? Dependent on end users
What are the benefits or costs to the City? Benefits- increased property tax, sales tax/business license fees as applicable. Costs- provision of city services to new homes/businesses

Waiver of secondary housing unit permit fees ($500-$700) an actual incentive proven to increase building of secondary units? Goal is not to necessarily to incentivize more units but to provide

incentive that those built remain affordable into the future. Cost/gain to City. Cost- staff costs not recovered by fees, Gain- more low/mod units

Economic value/cost of transferring the recommended parcels from commercial to residential, and the potential cost of services of the newly constructed residences.
What is the current $ brought in by each parcel, and the proposed economic cost if rezoned to residential. See attached table. Incremental cost of additional city services are not readily quantifiable

Costs/benefits to school system for residential units. Benefits- Increase in property tax revenue, collection of building permit fees and state funding per student. Costs- potential additional costs associated with increased school population

Water for zoning changes: Drought impacts for zoning changes, and do we have the water authority to issue building permits if requested during the current drought emergency. Response below provided courtesy of the City Engineer:
The city has the authority to issue or deny issuance of new water meter applications during a declared drought.

200 housing units are a relatively small demand upon our existing contracts with SFPUC, and well within the "buffer" of water that we "reserve" during long-term planning considerations for residential infill.

The primary concern during a drought is that when mandatory reductions are required by SFPUC the calculations for our cutback relies partially on a rolling 3-year average. During a mandatory 20% or greater reduction it would probably not be prudent to issue new water meters for any service (and unlikely that the residential developers would be attempting to bring new product on line during that time). During a 10% mandatory reduction, it would probably be acceptable to bring 200 units on line over a 3-year period.

If the 3 parcels are rezoned on Park Lane, what would happen to a permit request if only one of the parcels has a building permit requested. Would that be determined to not be compatible use if the commercial/industrial use is still being pursued on the other 2 parcels, or would they all need to be developed together? This is a question of zoning implementation. Zoning requirements could require consolidated development. Practically speaking we would expect this in any case as the properties are in common ownership.

Comments:

The map that is sent to the state, with our housing element should not show our consideration of the 125 Valley Drive or the possible rezoning of the Village as residential development area as it may be construed to be a future RHNA number addition and potential housing site. Map will be revised to characterize the referenced sites as "Evaluated but Rejected' not "considered for rezoning' This change more accurately characterizes their status.

staff, please describe the density bonus ordinance in detail.

The density bonus ordinance comes from state law (Govt Code Sections 65915 -65918) requirements. It provides the incentive of increased density, beyond that otherwise allowed in a district, for designating certain percentages of a development to low income or senior housing. The requirements for inclusionary units to receive density bonus would be greater than

the minimum requirements for inclusionary housing which is specified in in the inclusionary housing ordinance.

single parent households, why are we identifying male and female differently in section II.1.3 instead of a common description? Single parent households are collectively recognized as a special needs group due to the difficulties for a single wage earner household in earning sufficient income to afford housing. This section further points out that the collected data demonstrates that as a subgroup female-headed households are even more greatly impacted as they statistically earn lower wages than single male-headed households.

please clarify II.2.1 total units 15 gain in 4 years? This number appears to be low. The data reflects number of constructed units, not building permit activity or housing unit starts. The numbers during the time period in question reflect the lack of building activity that occurred during the recession.

Terry O'Connell