City of Brisbane
Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 12/9/10

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

SUBJECT: General Plan Amendment GPA-1-10, Housing Element Update and Proposed Negative Declaration

Purpose: The purpose of this public hearing is for the Planning Commission to take public comment on the draft Housing Element and make recommendations to the City Council on adoption of the proposed Negative Declaration and draft Housing Element.

Recommendation: Adopt Resolution GPA-1-10, recommending that the City Council adopt the proposed Negative Declaration and draft Housing Element.

Background: The Planning Commission previously reviewed the events leading up to this public hearing at its study session on November 18th (see attached agenda report and draft action minutes).

Discussion: In response to the most recent comments (via telephone conversation November 15, 2010) from the State Housing and Community Development Department (HCD), staff refined its analysis of the potential for aggregation and repurposing of the small, commercially-developed lots in the Southwest Bayshore subarea (the proposed R-SWB District) during the current planning period (2007-2014). Figure HE.5 and Table F.12 (attached) have been clarified to show how these small lots could be assembled to create building sites large enough to accommodate at least 16 units at a density of at least 20 units per acre (the State's minimum zoning standards for potential housing affordable to lower income households). To further encourage private redevelopment of existing developed sites in the proposed R-SWB and NCRO-3 Districts, a new outreach program is recommended (see page VI-7, attached).

To maximize the future potential of the property at 3832 Bayshore Boulevard in the proposed R-SWB District, staff proposes an exception in the new zoning regulations (similar to that provided in the R-2 District per Brisbane Municipal Code Section 17.08.040.B) to allow sites at least 23,800 sq. ft. to be developed with 16 units at a density fractionally higher than the 1 unit per 1,500 sq. ft. maximum otherwise permitted (see Table 37 and pages III-20 & III-26, attached).

As a result of this second look at the sites inventory, the potential for an additional unit in the R-1 District was identified, increasing the total 2007-2014 capacity to 449 (see the chart below and the attached Table 34).

To further assure HCD that the City's design permit process is not a constraint to the development of housing, Program H.B.1.c would include clarification of the design permit approval findings (see pages IV-10 & VI-6). Additional text is provided to confirm that the Municipal Code's provisions are not a hindrance to the approval of group homes (see pages IV-13 & IV-14).

At HCD's request, a 35 ft. height limit to accommodate 3 stories of development in the proposed NCRO-3 and R-SWB Districts is specified in Table 37 and on pages VI-6 & VI-15 (attached).

All of the recommended revisions to the 11/18/10 draft Housing Element are indicated on the attached page inserts, with changes underlined and in blue.

RHNA Summary: Residential vs. Mixed Use Districts

Income Level	**RHNA**	**2007-2014 Built & Potential Units**		
		Residential Districts	**Mixed Use Districts**	**All Districts [A]**
Very Low	91	0	2	2
Low	66	0	2 + 2 = 4	4
Lower		8 + 93 = 101	23 + 20 + 82 = 125	101 + (125 – 53) = 173
Very Low + Low + Lower	**157**	**101**	**131**	**179**
50% Maximum Mixed Use [A]	[78]		[78]	
Minimum Required Very Low + Low	[157]			[157]
Lower/Moderate [A]			**53**	**16**
Moderate	77	10	0	10
Lower/Moderate [A] + Moderate			**53**	53 + 16 + 10 = **78**
Above Moderate	167	77 + 68 + 4 = 149	13 + 45 = 58	149 + 58 = 207
TOTALS	**401**	**260**	**189**	**449**

[A] Per Government Code Section 65583.2(h), a maximum of 78 (no more than 50% of 157) of the very low and low income housing need may be accommodated on sites designated for mixed use. Those units in mixed use districts in excess of 78 may be considered affordable to moderate income households. Those units in excess of the 157 minimum RHNA requirements at the very low and low income levels may also be considered affordable to moderate income households.

Environmental Determination: Adoption of the 2007-2014 Housing Element will not result in any direct environmental impacts, according to the attached Environmental Initial Study, and approval of a Negative Declaration is recommended. Per State CEQA Guidelines Sections 15151 and 15064(d)(3), the environmental analysis at this level is limited to what is "reasonably feasible" and "reasonably foreseeable." Given how speculative it would be to do otherwise (see State CEQA Guidelines Section 15145), this analysis assumes that the various programs

addressing housing availability, affordability and quality will not in and of themselves have an environmental impact.

As was noted previously, all projects proposed pursuant to the Housing Element will be subject to individual environmental review to determine if they would result in significant impacts, given existing development regulations to limit such impacts. This environmental review could include a Traffic Impact Study as recommended by CalTrans (see attached letter). As noted in the Housing Element's Environmental Initial Study, cumulative traffic impacts addressed in the Sierra Point Biotech Project EIR (pages 102-108, attached), which were based on ABAG Projections 2005 for the year 2030 [which projected a total population of 5,240, based in part upon the 1999-2006 Housing Element's estimated total maximum zoning capacity for 1,490 units (see Appendix C); cf. the current estimate of approximately 1,312 units (Appendix F), due in part to lost capacity in the Brisbane Acres and Northeast Ridge subareas], were found to be significant and unavoidable, causing the City Council to adopt a Statement of Overriding Considerations. State CEQA Guidelines Section 15152(f)(1) states, "Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later…negative declaration…"

Attachments:

- Draft Resolution GPA-1-10
- Revisions to 11/18/10 Draft Housing Element
- 8/31/10 California Department of Housing and Community Development Review
- 10/5/10 Response to HCD
- Agenda Report for 11/18/10 Study Session with Attachments
- Environmental Initial Study
- 8/3/10 Letter from CalTrans
- Sierra Point Biotech Project EIR (Excerpt)

Draft
RESOLUTION GPA-1-10

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BRISBANE ADOPT THE 2007-2014 HOUSING ELEMENT

WHEREAS, on December 9, 2010, the Planning Commission held a public hearing on amending the General Plan by updating its Housing Element through adoption of the 2007-2014 Housing Element; and

WHEREAS, the minutes of the Planning Commission meeting of December 9, 2010, are attached and incorporated by reference as part of this resolution; and

WHEREAS, the Planning Commission finds that the adoption of the Housing Element will not have a significant environmental effect, based upon the Environmental Initial Study.

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 adopt a Negative Declaration and the 2007-2014 Housing Element.

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JAMEEL MUNIR, Chairman

I hereby certify that the foregoing Resolution No. GPA-1-10 was duly and regularly passed and adopted by the Brisbane Planning Commission at a regular meeting thereof held on December 9, 2010, by the following roll call vote:

AYES:
NOES:
ABSENT:

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JOHN SWIECKI, Community Development Director