



PLANNING COMMISSION AGENDA REPORT

Meeting Date: August 25, 2022

From: Planning Staff

Subject: Citywide; 2022-GPA-1; 2023-2031 Housing Element Update; City of Brisbane, applicant.

REQUEST:

The Planning Commission's review and recommendation to City Council on the draft 2023-2031 Housing Element.

RECOMMENDATION:

Recommend that City Council submit the draft 2023-2031 Housing Element (Element) to the California Department of Housing and Community Development (HCD) for review, via adoption of Resolution 2022-GPA-1.

ENVIRONMENTAL DETERMINATION:

The input provided by the Planning Commission on the draft Element is not a project subject to CEQA, because the City is not taking action at this time and it can be seen with certainty that the Planning Commission's input will not cause a physical change in the environment (Public Resources Code Section 21065). Additionally, the residential development described by the draft Element for the Baylands subarea was analyzed under a certified Environmental Impact Report (EIR) for General Plan Amendment GPA-1-18 (State Clearinghouse #2006022136; certified via Brisbane City Council Resolution 2018-61) and EIR Addendum for General Plan Amendment GPA-1-19 (adopted via Brisbane City Council Resolution 2020-1).

APPLICABLE CODE SECTIONS:

California Government Code Sections 65580 to 65589.11 contain a number of requirements applicable to Housing Elements. Staff's analysis of the draft Housing Element's compliance with the Government Code requirements is included in the draft Element as Appendix F.

DISCUSSION:

The draft 2023-2031 Housing Element was published on August 8, 2022 on the City's website with hard copies available to view at City Hall and the Brisbane Library (see Attachment A). While the Element features some new policy topics and data on fair housing, the bulk of the draft Element's content and format is similar to the 2015-2022 Housing Element, updated to reflect current conditions.

As discussed in a number of Planning Commission workshops leading up to the preparation of this draft Element, updates are proposed to comply with the latest RHNA requirement, to improve upon the previous policies and programs, to respond to changes in State law, and to incorporate new data such as 2020 Census data. Prior workshop meeting videos and agenda materials are attached for the Commission's reference.

RHNA Requirements:

Each Housing Element update cycle begins with HCD assigning shares of the State housing needs, based upon its population projections, to the various regional government planning organizations throughout the State, including the Association of Bay Area Governments (ABAG) which governs the nine Bay Area counties. This process is referred to as the Regional Housing Needs Allocation (RHNA for short). ABAG then distributes the Bay Area’s RHNA amongst the nine Bay Area counties, based on ABAG’s own regional growth projections and planning. In San Mateo County, C/CAG (a regional government association comprised of the County and all cities in San Mateo County) oversees the final distribution of the “fair-share” allocation of the Countywide RHNA to individual jurisdictions within the County.

Brisbane’s RHNA for the 2023-2031 planning period is a total of 1,588 housing units, divided between household income categories as shown in the table below (excerpted from Chapter 2 of the draft Element).

**Table 2.30
Brisbane’s Regional Housing Needs Allocation and Shortfall
(2023-2031)**

	<i>Very Low Income</i>	<i>Low Income</i>	<i>Moderate Income</i>	<i>Above-Moderate Income</i>	<i>Total</i>
Percentage of Area Mean Income	<50%	51-80%	81-120%	>120%	-
2023-2031 RHNA (Cycle 6)	317	183	303	785	1,588
Currently Zoned Capacity	172	103	16	135	426
Housing Shortfall, prior to 6th Cycle Rezoning	145	80	287	650	1,162

As shown in the excerpted table and discussed in Chapter 3 of the draft Element, the City’s current inventory of residentially zoned land does not accommodate the total RHNA for the planning period. Accordingly, State law requires the City to identify sites that will be rezoned to meet that shortfall no later than May 31, 2026, per Government Code Section 65583(c)(1)(A). The draft Element identifies the Baylands subarea for rezoning to meet the RHNA shortfall, consistent with Measure JJ, which was approved by the Brisbane voters in 2018, along with the subsequent General Plan Amendment GPA-1-18 in 2019 allowing for 1,800- 2,200 housing units in the Baylands subarea. A draft Baylands specific plan was submitted to the City this Spring and is in process for review by City Council in 2023.

Goals, Policies and Programs:

As described in detail in the July 28, 2022 workshop memo (attached), an overarching objective of the 2023-2031 Housing Element update is to make the goals, policies, and programs more streamlined and straightforward, resulting in a more effective plan that is easier to understand and implement, and better align with State law. The draft goals are:

1. Affirmatively further fair housing opportunities for all persons.

2. Facilitate and support the production of housing at all income levels, but especially affordable housing.
3. Preserve existing affordable housing.
4. Protect residents from displacement.
5. Increase public awareness of housing programs and resources.
6. Conserve natural resources and reduce greenhouse gas emissions in existing and new residential development.
7. Avoid unreasonable government constraints to the provision of housing.

New and updated policies and programs falling under these updated goals commit the City to actionable and trackable programs that meaningfully implement its housing goals, consistent with State law.

New State Regulations:

Given the Statewide housing crisis, a number of new Housing Element requirements have been imposed on cities for the current Housing Element cycle. Those that directly affect Brisbane are outlined in Chapter 1 of the draft Element and are addressed throughout the Element. Many of these have already been addressed through Brisbane's local ordinances, such as requirements to relax the development regulations and streamline the approval process for accessory dwelling units. Another new requirement is for the draft Element to provide in-depth analyses, data, and policies related to actions the City will take to affirmatively further fair housing (AFFH). This is interwoven throughout the Element, but specific AFFH analysis is provided in Appendix C, with specific policies provided in Chapter 5 – Housing Plan under Goal 1. Finally, a notable new procedural requirement is the State-mandated 30-day public comment period for the draft Housing Element, followed by at least 10 days to address comments in the draft Element, before City Council's review and approval for submittal to HCD.

Next Steps:

Following the Commission's public hearing(s) and recommendation to City Council, staff will agendize a public hearing at City Council, which would include the Commission's recommendation. The formal 30-day public comment period is ongoing through September 9th; however, comments received up until Council's approval of the draft Element for submission to HCD will be provided to Council for consideration. Council's first public hearing on the draft Element is tentatively scheduled for October 6, 2022.

Once City Council approves the draft Element for HCD review, HCD has up to 90 days to review and provide comments on the first submittal of a jurisdiction's draft element, then up to 60 days on each subsequent submittal. The statutory due date for the Element to be "certified" is January 31, 2023; however, a 120-day grace period is allowed. **As such, the final deadline for adoption of the final Element by Council and HCD certification is May 31, 2023.** Based on the experiences of jurisdictions in other regions of the State who have already gone through the

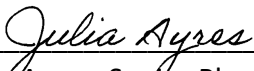
Housing Element review process, staff expects to have at least two review cycles with HCD prior to certification.

ATTACHMENTS

- A. Draft Resolution 2022-GPA-1
- B. [Draft 2023-2031 Housing Element](#) (hyperlink)
- C. [August 11, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- D. [July 28, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- E. [March 10, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- F. [February 24, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- G. [February 10, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- H. [January 27, 2022 Planning Commission workshop video and agenda materials](#) (hyperlink)
- I. [December 16, 2021 Planning Commission workshop video and agenda materials](#) (hyperlink)



Jeremiah Robbins, Associate Planner



Julia Ayres, Senior Planner



Ken Johnson, Senior Planner

Draft
RESOLUTION **2022-GPA-1**
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BRISBANE
RECOMMENDING THAT THE CITY COUNCIL SUBMIT
THE DRAFT 2023-2031 HOUSING ELEMENT TO
THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR REVIEW

WHEREAS, the draft 2023-2031 Housing Element of the General Plan was prepared consistent with the California Government Code requirements applicable to Housing Elements and was published for public review on August 8, 2022; and

WHEREAS, on August 25, 2022, the Planning Commission held a public hearing to consider the draft 2023-2031 Housing Element and make a recommendation to the City Council regarding submittal of the draft 2023-2031 Housing Element to the State Department of Housing and Community Development (HCD) for review prior to adoption of the Element; and

WHEREAS, the minutes of the Planning Commission meeting of August 25, 2022 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 submit the draft 2023-2031 Housing Element to the California Department of Housing and Community Development for review prior to adoption.

ADOPTED this twenty-fifth day of August, 2022 by the following vote:

AYES:

NOES:

ABSENT:

SANDIP PATEL
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director