



CITY COUNCIL AGENDA REPORT

Meeting Date: October 6, 2022

From: John Swiecki, Community Development Director

Subject: Draft 2023-2031 Housing Element Update

Community Goal/Result

Community Building - Brisbane will honor the rich diversity of our city (residents, organizations, businesses) through community engagement and participation

Purpose

Review draft 2023-2031 Housing Element before submission to the State Department of Housing and Community Development (HCD).

Recommendation

Direct staff to submit a copy of the draft 2023-2031 Housing Element to HCD, via adoption of the draft resolution provided in Attachment 3.

Background

The Housing Element is a mandated element of the City's General Plan that must be updated every eight years and establishes the city's goals, policies, and programs to address current and future housing needs. In accordance with State requirements, each city's housing element must analyze the city's demographic trends and housing needs, resources to support existing and future housing (including an inventory of land available for construction of new housing), and constraints to housing. This analysis informs the goals, policies, and programs, or housing action plan.

A key requirement is for cities to provide zoning adequate to meet its share of the projected regional housing need, or Regional Housing Needs Allocation (RHNA). Brisbane's RHNA for the 2023-2031 planning period is 1,588 housing units, allocated among household income categories. This is well beyond Brisbane's current zoning capacity for new homes and so a program is included in the Housing Element to provide for that zoning within the first three years of the Housing Element plan period, as discussed further below.

Other programs, as required by statute, address such topics as housing preservation, displacement of residents and affirmatively furthering fair housing.

The draft 2023-2031 Housing Element was published on August 8th and the formal public comment period ran through September 9th, although any comments received up to Council's public hearing will also be provided for Council's consideration.

On August 25th, after numerous workshops over the last year, the Planning Commission held a public hearing and by unanimous vote recommended via approval of Resolution 2022-GPA-1 that the City Council authorize staff to submit the draft 2023-2031 Housing Element to HCD for review. Details on the timeline for HCD's review are provided in the next section.

Since the public review draft of the 2023-2031 Housing Element was published in early August, the draft has been reformatted and edited to correct typographic errors. This update does not affect the organization or content of the draft made available for public review.

Discussion

There are a few items to highlight in City Council's review of the draft Element:

- New state regulations
- Goals, policies and programs
- How the City will meet the RHNA
- Comments on the public review draft Housing Element
- CEQA Determination
- Next steps and timing

New State Regulations:

Given the Statewide housing crisis, a number of new Housing Element requirements have been imposed on cities for this 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. Our mandated 30-

day public review period ran from August 8th to September 9th, but all comments received after the deadline will be provided to the City Council.

Goals, Policies and Programs:

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 goals set forth in the draft element provide an organizing framework for the policies and programs that follow. The updated 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 monitorable actions that meaningfully implement its housing goals, consistent with State law.

How the City will meet the RHNA

As indicated previously, Brisbane’s RHNA for the 2023-2031 planning period is 1,588 housing units. These are divided between household income categories as shown in the table below, along with the current zoning capacity shortfall.

	<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 Housing Unit Capacity	172	103	16	135	426
Housing Unit Shortfall, prior to 6th Cycle Rezoning	145	80	287	650	1,162

As shown in the 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 January 31, 2026, per Government Code Section 65583(c)(1)(A).

The draft Element identifies the Baylands subarea for rezoning to meet the RHNA shortfall. This would be 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 has been submitted to the City by the developer and is presently under review for completeness by the city's consultant team. The Housing Element conservatively utilizes the lower end of the range, 1,800 units, but recognizes that the Baylands Specific Plan may be approved for up to 2,200 units. Combined with existing zoning, the total citywide zoning would exceed the RHNA by 638 - 1,038 housing units.

Comments on Public Review Draft

The draft 2023-2031 Housing Element was made available to the public for comment beginning on August 8, 2022. A number of public comments were received. Additionally, a recommended program edit was provided by the City's consultant through 21 Elements, Baird + Driscoll. A subcommittee of the City Council also met and provided feedback on the draft. Following on these comments, where a new or revised program is being recommended, they are provided in the following sections, shown in italics and underlined, and with City Council's concurrence would be incorporated into the draft Element prior to submittal to HCD.

Public Comments: The City received correspondence from nine individuals and organizations, which are provided in Attachment 2 along with the draft responses to these comments, all of which will be included in Appendix E of the draft Housing Element.

Comments ranged from management of the Brisbane Acres by a few of the commentors to the use of the Baylands in meeting the City's housing need.

A notable comment provided by the San Mateo Anti-displacement Coalition (SMADC) was a suggestion that a program be provided to address just cause evictions. To address this, staff is suggesting that a new program be added as 4.A.14, *"Adopt a just cause eviction ordinance to protect renters from arbitrary and unjustified evictions."* The timeframe suggested for this program would be by December 2023.

In addition to the comments received during the formal public comment period, a public survey was conducted from early August to September 23rd and the results are provided in Attachment 2. These will also be included in Appendix E of the draft Housing Element.

A few of the survey highlights are provided below. Individual written comments on the survey were broad ranging. For further details, please refer to Attachment 2, which will be included in Appendix E of the Housing Element:

- A total of 126 people responded to the survey, with 122 of those indicating that they were Brisbane residents.
- Approximately 81 percent of the respondents indicated that they own their place of residence.
- Approximately 13 percent of the respondents, renters and owners, characterized their housing costs as exceeding 50 percent of their household income with another 33 percent of those responding are paying between 30 and 50 percent of their income on housing.
- 41 percent of the respondents indicated that they have considered adding an accessory dwelling unit (ADU), but up-front financial concerns and space are among the primary concerns with doing so.
- 33 percent of the renters feel that they are at risk of displacement.
- 57 percent of respondents would like to make energy improvements to their home, but are delaying them due to affordability.
- Most of the individual program questions (for example, studying the reduction of required lot sizes for small scale development) received an average rating of 3 or more, on a scale of 1 to 5, with 5 being very important.

21 Elements Consultant Comments: An edit was suggested by the City's consultant provided through 21 Elements, Baird + Driscoll, to use more general language in the proposed County-wide management system for below market rate units. Program 5.B.1 would read, "Engage with 21 Elements staff to promote development of a Countywide system that supports the management of for-sale BMR units, including their listing and sale."

City Council's Planning Subcommittee Review and Feedback: Staff met with the subcommittee of the City Council on September 14th. The following modifications were suggested to the programs:

- There was discussion about the large commercial employers and the need to provide housing for their workers, especially those in the lower income groups. It was suggested that commercial buildings might have a mixed-use component. To address this, a new draft program might be added under the goal of facilitating housing production, as a new Program 2.A.7, "study zoning amendments to existing commercial zoning districts, at Sierra Point and Crocker Park, to either allow or require mixed use buildings."

- Modify Program 2.E.4 to clearly state that an in-lieu fee is to be considered. With the bold text added, it would read, “Update the Inclusionary Housing Ordinance to comply with current State law, and consider **in-lieu fee** alternatives for for-sale developments that may provide additional affordable housing revenue to the City.”

The subcommittee also suggested enhancing the City’s public outreach program to highlight where the City is making progress in implementing housing programs and educating the community on the challenges and requirements in developing affordable housing. This would fit under proposed Policy 5.A “Engage the community and provide public information on housing issues and resources” and Program 5.A.1 and staff will be specifically looking to provide such messaging throughout the Housing Element cycle.

CEQA Determination:

Adoption of the Housing Element is categorically exempt under CEQA Section 15061(b)(3) because it involves adoption of policies and programs that would not cause a significant effect on the environment.

Additionally, the proposed and existing zoning programs, including those to meet the RHNA shortfall, are exempt from CEQA per Section 15183(d) of the CEQA Guidelines as follows:

- Rezoning to meet the RHNA Shortfall is addressed under the Environment Impact Report (State Clearinghouse #2006022136; 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), which allows for development of up to 2,200 housing units on that same portion of the Baylands as indicated in the Housing Element.
- All other residential and mixed-use districts identified in the Housing Element are already designated for residential development in the City’s General Plan and zoning ordinance, for which an Environmental Impact Report was adopted in 1994 (SCH #93071072) and a negative declaration was adopted in 2015 relative to adoption of the Parkside Residential Overlay districts (SCH #2015012053).

Next Steps

Once City Council authorizes the submission of the draft to HCD for review, staff will forward it along to HCD, which has up to 90 days to review and provide comments on the draft element. Once HCD comments are received by the City, the draft element will likely require revision to respond to HCD comments. Subsequent resubmittals of the draft element are subject to a 60-day review period by HCD. The statutory deadline for the Element to be certified is January 31, 2023; however, a 120-day grace period is allowed under state law. 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.

Fiscal Impact

None

Measure of Success

Certification of the 2023-2031 Housing Element in compliance with state requirements.

Attachments

1. Draft 2023-2031 Housing Element via weblink [brisbane 2023-2031 housing element withappendices comp.pdf \(brisbaneca.org\)](https://www.brisbaneca.org/2023-2031-housing-element-withappendices-comp.pdf)
2. Draft Appendix E Inserts – A) Public Comments, B) City Responses to Comments, C) August/September 2022 Survey Results
3. Draft City Council Resolution 2022-XX
4. Planning Commission Resolution 2022-GPA-1
5. Planning Commission Draft Meeting Minutes 8/25/22
6. Planning Commission Agenda Report 8/25/22



John Swiecki, Community Development Director



Clay Holstine, City Manager

Question/Comment via website

dolores <brisbaneca@municodeweb.com>

Mon 8/15/2022 2:32 PM

To: Ayres, Julia <jayres@ci.brisbane.ca.us>

This message was sent from outside the company by someone with a display name matching a user in your organization.
Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Submitted on Monday, August 15, 2022 - 2:32pm

Submitted by anonymous user: 45.26.48.234

Submitted values are:

First Name dolores

Last Name GOMEZ

Phone Number

Email Address brischic@sonic.net

Is this related to Brisbane's Draft 2023-2031 Housing Element? Yes

Would you like all or part of the draft Housing Element to be translated to Simplified Chinese or Spanish? No

Question/Comment

No one is addressing; WATER, TRAFFIC. Are we talking these dwelling to be on theBaylands? If so , okay. But Brisbane proper is FULL. Please do not cram more housing and people here.

The results of this submission may be viewed at:

<https://www.brisbaneca.org/node/15871/submission/10472>

To: Planning Commission, Staff
From Dana Dillworth
RE: Housing Element 2022 GPA 1, Housing Element Update
August 25, 2022

Has this Housing Element been circulated through the State Clearing House? What is its number? Perhaps it needs to be recirculated.

I wonder how the County of San Mateo and the State of California's Natural Resources departments would respond to a Housing Element which seeks to take irreplaceable, environmentally sensitive habitat (with 60% protection) out of the mix for no-limits, no further study or review dense housing. The City has stated that they have the ability to repay the funders for these properties, however Our General Plan (R-BA) has a stated goal of limiting housing to be protective. This element is inconsistent with our General Plan and our goals of environmental protection for San Bruno Mountain.

I question your lack of CEQA review. In addition, I question the goal to meet ever-increasing RHNA numbers and their impact on a town of this size. It should be questioned, if not challenged.

How do our RHNA numbers keep increasing? How is this a "fair-share" of 2,226 units required of a town of 2,100? We have rezoned multiple times to meet the same goal. (ADU's could +/- double the town, Parkside overlay, and Baylands). Seriously, the only stated goal of our housing element should be to provide low and very-low income housing with protections that they should never be placed into market-rate service without an equivalent in-situ remedy.

Not subject to CEQA in this moment, but a complete CEQA review IS required because you are advising on a foreseeable action by the City that will have enormous environmental impacts.

If the Brisbane Baylands EIR is the only environmental review for this element, in spite of how impressive, the Baylands EIR was not done with the knowledge of SB 9 or imminent State legislation(s) that will further take our Public Open Space resources, Parking facilities, and Transportation corridors to the benefit of dense housing developers.

The Baylands EIR never imagined an elimination of R-1 housing which quadruples housing stock over night under new State mandates. Mums the word, let's not tell the public what is really happening. Additionally, the stated purpose of the Baylands EIR was to meet one developer's goal. It requires adhering to sustainability standards that are not required throughout town because our conservation element hasn't had equal updates. It also requires sufficient water supply to support a new population of 4,000, now even more new residents and building supportive infrastructure. What part(s) of the Bayland's agreement for Open Space, Recreation, Infrastructure, and Community Facilities will be required of the landowners in the Brisbane Acres or other places you might move this high-density zoning to?

CEQA requires that all elements in the General Plan be in balance. When was the last time you studied and mapped open space, conservation, our natural resources, and safety requirements with such diligence? It was 1991-1994 for me. What does the recent 20-year drought mean and how did Covid impact the need and dynamics of housing? What about sea-level rise? Those are the types of studies that are necessary for this Housing Element to be current.

Brisbane Acres are inaccurately being mapped and referred to as Central Brisbane. (Figure B.7.2) I object to this new map, if approved, because Central Brisbane is a specific land use. The map homogenizes the town, it ignores the difference and importance of our R-BA districts which is mentioned in our Open Space Plan as having a special ecological importance. Many

acres were purchased with Open Space funds for improvement for habitat of rare and endangered species. There is an existing environmental determination that requires lower impacts and not scarring the hillside for infrastructure. To speak so casually of the Brisbane Acres' ability to meet or may meet thousands of units of housing needs is unacceptable because you have not considered the impacts to our streets.

As I see block-long cranes and laden cement trucks lumber up a wide part of Humboldt Road to only back down the hill because of the potential jack-knifing or break failures at every turn, I wonder about the future of Brisbane if we adopt a housing plan that would have enormous impacts to our upper acres and the safety of our residents without looking at the obvious constraints, as an exercise.

The city is in negotiations with the Baylands developer. I cannot believe that out of 1800 housing units there will only be about 200 units for low-income housing. Are you aware that the Baylands developers, with city approval, have asked for \$3.5 millions of dollars from the state for clean-up funds? We were told that the reason for so many units, was to pay for the clean-up. What gives?

This element includes language of what to do, where to find units if the current land uses don't produce. Is that a reality? Baylands could renege and we have to place hundreds of units of low-income housing elsewhere? That language should be addressed so that we don't have surprise re-zonings, because alternatives were considered in a public forum, but none have been studied.

Why are the Baylands developers in stakeholder meetings only being asked to do the minimum? In 600 acres, there are many opportunities for housing (if proven to be safe) to meet the needs for all sectors of society, for assisted and transitional housing, for experimental off-grid communities. Near a transit hub, all pluses. How is it that the Baylands developer is not being considered as a greater resource for meeting the needs of the community as a whole? Perhaps the mandate is too low or too weak. Given our years of no new affordable housing, our plan should be immediate solutions. Not the rehashing of systems that don't work expecting a for-profit developer to uphold community values and commitments.

I ask that you send this back to the council for further studies. I ask that you learn the impacts of the new legislation from Sacramento and invite speakers from Community Catalysts <https://catalystsca.org> to provide an alternative view of the Housing mandates. I ask that you question our RHNA numbers and learn what other communities are doing with viewing a presentation from Pam Lee an attorney representing communities who question the recent long arm reach of Sacramento: <https://vimeo.com/738853753> and question whether we have unlimited resources for developers who don't uphold their promises or contribute to the good of their community.

Where was a discussion of sustainability, of eco-villages? Of truly affordable, life-supporting community housing? Of local food production? Where is the James Wine's concept of garden cities? As my family seeks a different, affordable community, we are reminded of the developments of the 70's that had lesser impacts to the land and created livable spaces. I shutter at the thought that you have allowed the developer of the Baylands to be required to do so little for the overriding considerations you are asking us to once more consider.

Thank you.

Viana, Alberto

From: Anthony Lavaysse ~~alavaysse@norcal.org~~
Sent: Friday, August 26, 2022 12:53 PM
To: Planning Commissioners
Subject: Attn: Planning Commission

Hello Commissioners,

My name is Tony Lavaysse, and I recently spoke at the Planning Commission meeting on 8-25-22. My comments were related to the Housing Element and our construction workforce.

As I said, I have been a carpenter for over 27 years. It has been my experience that there is a great disparity between local carpenters wages from contractor to contractor.

As a Union Organizer, it is part of my job to walk job sites in an effort to meet with workers and gather information. The data has shown that the unrepresented carpenters make substantially less per hour with little, or more often, no benefits. This highlights the need to hire RESPONSIBLE contractors.

My hope is to raise the bottom for all carpenters in an effort to improve the quality of life for them and their families. Thus elevating the community as a whole. We achieve this through Area Labor Standards.

Local Hire
Health Care
A Living Wage

I hope this provides you with a better understanding of the challenges of the unrepresented workforce. There is a definite need for Area Labor Standards, and responsible General Contractors and Sub-Contractors.

I look forward to discussing this with you further.

Respectfully,
Anthony Lavaysse
Field Representative
Nor Cal Carpenters Union
(341)688-1494

Ayres, Julia

From: Kendra Ma ~~<kendrama@transformca.org>~~
Sent: Tuesday, August 23, 2022 3:58 PM
To: Swiecki, John; Johnson, Kenneth; Ayres, Julia
Cc: housingelements@hcd.ca.gov
Subject: Brisbane Draft Housing Element Comment
Attachments: Brisbane HE Comments_TransForm.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Brisbane Community Development Team,

My name is Kendra and I am the Policy Analyst at TransForm. We are a nonprofit policy advocacy organization focusing on better land use and transportation policy at the local, regional, and state level. Thank you for releasing a draft of the City's Housing Element for review and public comment. Our team has put together some feedback that we would like to see addressed in the Housing Element.

We applaud the City for releasing their draft Housing Element for feedback. We'd love to see if the Element can include clearer goals and language around parking policies and TDM strategies. Please see the attachment in this email to see our comments and recommendations.

Feel free to reach out if you have any questions - we know this is a busy time of year and we thank you so much for your hard work around this!

Thanks,
Kendra

--

Kendra Ma, Policy Analyst
(she/her/hers)

TransForm

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August 23, 2022

Community Development Department
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Draft Housing Element Needs Ambitious Parking Updates

Dear Brisbane Community Development Department,

TransForm is a regional non-profit focused on creating connected and healthy communities that can meet climate goals, reduce traffic, and include housing affordable for everyone. We applaud Brisbane's work to date on the Draft Housing Element. However, to meet housing, transportation, and climate goals, Brisbane needs to expand on its successful programs and initiate some new ones.

In particular, there will need to be an effective mix of:

- Reducing parking provision and providing incentives and programs to drive less (Transportation Demand Management or TDM)
- Developing sufficient programs to meet affordable home targets of RHNA

We appreciate Program 6.A.5 which will continue a study to potentially lower parking standards. However this program has an excessive timeline given it is a continued policy from the previous cycle, and does not commit to any specific parking reforms. We do support the work Brisbane has done in this area, including the last cycle's parking reforms which lowered parking space requirements and linked parking provision to unit size, yet as the housing crisis grows and as we see stronger, newer models of parking policy it is time for stronger commitments to reform.

The need to eliminate or greatly reduce parking minimums is more important than ever. **Each new parking space costs \$30,000-\$80,000.**¹ With inflation driving up construction costs since these estimates, two spaces may now cost up to \$200,000. Beyond construction costs, parking takes up essential space that could provide more homes, services, or community amenities.

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<https://www.shoupdogg.com/wp-content/uploads/sites/10/2016/05/Cutting-the-Cost-of-Parking-Requirements.pdf>

TransForm recommends that Brisbane consider the following policies in the Housing Element:

1. Requiring unbundled parking for certain transit oriented developments. This is easier for building managers to implement now with new parking tech tools like [Parkade](#).
2. Implementing TDMs such as requiring developers to buy annual bus passes for residents at a discounted bulk rate.

To show the tremendous transportation and climate benefits of these policies, as well as some of the financial savings for residents and reduced costs for development, we have used our GreenTRIP Connect tool to [create scenarios](#) for a potential future development site at **145 Park Lane**. This site is identified in Brisbane's draft Housing Element Site Inventory as a potential future opportunity site outside of any specific zoning district with lower parking provision. The California Office of Planning and Research recommends GreenTRIP Connect as a tool to use while developing General Plans and is especially useful during the development of Housing Elements (the tool is free to use and supports better planning at the site and city-wide level).

By implementing the strategies above at **145 Park Lane**, GreenTRIP Connect predicts:

1. Implementing unbundling and providing transit passes at this site would decrease demand for parking by 36% and result in resident transportation savings of \$792 per year.
2. With right-sized parking, incorporating the benefits of unbundled parking and free transit passes, the development would cost \$6,378,000 less to build relative to current parking standards.
3. When combined with 100% affordable housing these strategies resulted in an incredible 60% reduction in driving and greenhouse gas emissions for the site, compared to the city average.
4. If an affordable development with smart parking strategies were built on this site each household would drive 6,282 less miles per year creating a greener and safer community.

By eliminating the high costs of parking, homes can be offered at more affordable prices, reducing the number of community members that face extreme housing cost burdens, getting priced out of their community, and/or becoming unsheltered. Residents, new and old alike, will greatly benefit from the reduction in vehicle traffic and associated air pollution (see scenarios [here](#)).

In addition to parking and transportation strategies, we applaud some of the proposed strategies to support more affordable homes, since these would have such tremendous benefits as noted in the GreenTRIP scenario. Two of the most important are Programs 2.D.1 and 2.E.1 that streamline affordable development to help reach RHNA goals, by subsidizing the cost of affordable housing through fee waivers and adopting an Affordable Housing Strategic Plan, respectively. These programs are a cost-effective complement to strategies focused on housing production.

The GreenTRIP scenarios and the chart on the final page of our Scenario document also show the imperative of programs to accelerate development of affordable homes, like Programs 2.D.1 and 2.E.1. Not only do these households use transit more and drive much less than average, but success in this area can help provide homes for unsheltered individuals and families. A commitment to these programs will show that Brisbane is committed to planning for all levels of the 803 BMR RHNA units anticipated in this cycle.

Please let me know if you have any questions. TransForm hopes this information explains why Brisbane should make parking reform a priority in the Housing Element update.

Sincerely,
Kendra Ma
Housing Policy Analyst
kendrama@transformca.org

City of Brisbane
50 Park Place
Brisbane, CA 94005

To the honorable Brisbane City Council,

The San Mateo Anti-Displacement Coalition (SMADC) appreciates this opportunity to urge you to take swift action to stop a wave of evictions by passing a robust just cause for eviction ordinance.

SMADC works with communities and their leaders to preserve, protect, and produce quality affordable homes. We represent community organizations across San Mateo County committed to fight housing displacement for low-income people, communities of color, people living with disabilities, and others who have faced structural and systemic barriers to safe, stable, healthy, and affordable homes. Our members provide direct services for tenants, organize residents, and advocate for low-income communities of color.

Thousands of San Mateo County residents are facing evictions that threaten to cause displacement or even homelessness. The Legal Aid Society of San Mateo County has seen the number of unlawful detainer evictions increase by 60% in May this year compared to the first four months of 2022. Evictions create lasting harm to individuals, families, and our communities. Evictions disrupt childrens' education, cause workers to miss work and lose employment, force people into precarious housing situations or out of our communities entirely, and lead to lasting mental and physical health impacts.

A local just cause for eviction ordinance is one of the most powerful tools our cities can implement to prevent evictions. Just cause for eviction ordinances, which already exist in two dozen California cities, require landlords to have "good cause" when pursuing eviction, such as the tenant failing to comply with the lease or the owner moving in. They give tenants stability, security, and legal protection against unfair and arbitrary evictions. They protect tenants who speak up against poor living conditions, discrimination, or landlord harassment from retaliatory evictions. A [recent study](#) in four California cities, including East Palo Alto, found that evictions and eviction filings decreased after passing local just cause for eviction ordinances.

San Mateo County is increasingly becoming a home to renters, and our laws need to catch up to safeguard their homes. Across the county, 40% of households are renters. This rate is much higher for people of color due to decades of discrimination and exclusion from homeownership opportunities: 58% of Black, 62% of Latino, 53% of South Asian, and 46% of Filipino households in San Mateo County are renters ([Bay Area Equity Atlas](#)). Nearly half of all renters in the county are cost-burdened, spending more than one-third of their income on rent. A staggering 71% of Central American residents are cost burdened, leaving little left over for food, child care, healthcare, or other basic needs ([Bay Area Equity Atlas](#)).

California passed the Tenant Protection Act (TPA), a state just cause for eviction law in 2019,¹ but that law leaves out many tenants and has loopholes that have limited its effectiveness. This law explicitly authorizes cities to pass stronger local ordinances, because the state legislature intended the state law to be a floor, not a ceiling, on tenant protections.² We also note that cities are not constrained by the Costa-Hawkins Act in enacting local just cause laws.

Local eviction protections allow us to add protections based on the problems we see locally. San Mateo County is at the epicenter of one of the most dire housing crises in the state, and we need stronger local protections.

Though Brisbane is moving in the right direction by surpassing its Regional Housing Needs Allocation (RHNA) goals for moderate and above moderate-income housing over the 5th cycle, the city needs to pay more attention to the lower-income sector of the population. More than 40 percent of households are cost burdened, meaning that they pay higher than 30 percent of their income in rent. As a result, Brisbane's lower-income population has suffered displacement.

Brisbane can better demonstrate its commitment to protecting renters by promoting a range of best practices.

Local just cause for eviction should:

1. **Regulate Ellis Act evictions.** California's Ellis Act³ allows landlords to take their property off the rental market, while giving localities the power to regulate these evictions to protect tenants and prevent abuse. Under state law, removing the property from the rental market is an allowable just cause reason to evict,⁴ but without any local regulation, this reason is a loophole that threatens to swallow the rule. A local just cause ordinance should provide explicit procedures and protections, including: requiring landlords to follow a transparent process in order to remove a property from the rental market; providing tenants with longer notice (120-days or 1-year for tenants who are elderly or have disabilities); requiring landlords to remove the entire building from the rental market, not just a single unit; establishing penalties for landlords who re-rent the property after pursuing a bad faith Ellis Act eviction; and giving tenants the right to return at the same rent if the property is re-rented.
2. **Regulate owner move-in evictions.** Under state law, the owner move-in just cause provision⁵ lacks specificity and has been frequently abused. Local ordinances like Richmond's provide

¹ Civil Code § 1946.2.

² Civil Code § 1946.2(g)(1)(B).

³ Gov. Code § 7060 et seq.

⁴ Civil Code § 1946.2(b)(2)(B).

⁵ Civil Code § 1946.2(b)(2)(A).

further regulation to prevent this abuse. A local just cause ordinance should include detailed provisions to prevent abuse, including: prevent corporate landlords from using owner move-in as a just cause reason to evict; require the notice to state the name, address, and relationship to the landlord of the person intended to occupy the unit; restrict owner move-ins when there are vacant units in the building or in other properties owned by the landlord, or when the person moving in already lives in the property or in another property owned by the landlord; and provide that the landlord or their relative must intend in good faith to move in within 90 days after the tenant vacates and occupy the unit as their primary residence for at least 36 consecutive months. If the landlord or their relative specified in the notice fails to move in within 90 days, the landlord should be required to offer the unit to the tenant who vacated and pay for the tenant's moving expenses. A local just cause ordinance should also bar owner move-in evictions where the tenant has lived in the unit for at least five years and is either elderly, disabled, or terminally ill.

3. **Increase relocation payments for all no-fault evictions.** State law only provides for relocation payments equal to one month of the tenant's rent,⁶ which is inadequate to cover the costs of moving, security deposits, first and last month's rent at a new rental unit, and increased rent levels. These are all unplanned expenses for the tenant, and the tenant should be reasonably compensated commensurate with the loss of their housing through no fault of their own.. A local just cause ordinance should cover a minimum of four months of the tenant's rent to cover the full costs of relocation for all no-fault evictions, with additional payments for tenants who are low-income, disabled, elderly, have minor children, or are long-term tenants.
4. **Expand which units are governed by just cause.** State law excludes many types of housing units from just cause protections, including units less than 15 years old and many single-family home rentals.⁷ A local just cause law should cover all units on the market, with only narrow exceptions for certain types of housing (e.g. deed restricted units in affordable developments). In East Palo Alto, the vast majority of single-family homes are covered by their just cause for eviction ordinance..
5. **Provide greater specificity for all "no-fault" just cause eviction reasons to ensure maximum compliance.** Legal aid service providers frequently report that some property owners use the ambiguity in state law to evict tenants without cause using the no-fault reasons – including substantial remodel, removing the property from the rental market and owner move-in, as discussed above. To protect tenants from eviction and homelessness due to abuse of the law, many cities have developed best practices around providing further specificity to the definitions of these no-fault reasons. A local just cause ordinance should provide greater specificity for all no-fault reasons to ensure tenants are not evicted without just cause
6. **More specifically define "at-fault" just cause reasons for eviction.** Local just cause ordinances should also enumerate and specifically define "at-fault" just causes for eviction, to ensure that things such as minor curable lease violations do not lead to immediate evictions.

⁶ Civil Code § 1946.2(d)(2)-(3).

⁷ Civil Code § 1946.2(e).

7. **Provide tenants with recourse if their landlord attempts to recover possession in violation of the law.** State law lacks adequate enforcement mechanisms. A local just cause ordinance should clearly state that a tenant may assert their landlord's failure to comply with any requirement of the ordinance as an affirmative defense in an eviction case and provide aggrieved tenants with a private right of action for equitable relief, damages, and restitution so tenants can enforce their rights if their landlord violates the law. A local just cause ordinance should also provide for enforcement by the City Attorney or County Counsel.
8. **Create a rental registry.** Listing all properties available for rent in the city, especially affordable rentals. Aggregating information about rental availability helps tenants with special housing needs.

Many communities across the state and in San Mateo County have passed strong local just cause for eviction protections, including East Palo Alto and Mountain View. In order to create a just cause for eviction ordinance, we urge you to take the following actions:

- **Include a housing element program to adopt a local just cause for eviction ordinance.** Every Bay Area jurisdiction must update its housing element by January of 2023, and every housing element must include actions to affirmatively further fair housing (AFFH). Renters are disproportionately people of color, due to decades of discrimination and outright exclusion from homeownership opportunities. Moreover, arbitrary evictions often target people of color, immigrants, and other members of protected classes who may be "less desirable" renters in the minds of some landlords. Cities should include a commitment to adopt a just cause for eviction ordinance in the program of actions that will be taken in order to meet the AFFH requirements, address the housing needs of low-income renters, as well as to meet the requirement to preserve existing, non-subsidized, affordable housing stock.
- **Prioritize just cause for eviction for council consideration in 2022.** With evictions already on the rise, we need just cause for eviction passed this year. We urge you to take a public position to support passing a strong local ordinance in 2022.

Cities such as Richmond,⁸ Berkeley,⁹ and many others have already passed strong just cause for eviction ordinances, creating strong models for your city to follow. The Anti-Displacement Coalition is also happy to arrange meetings between jurisdiction representatives and renter protection advocates to help you craft an ordinance that works best for your community.

Ultimately, our communities need long-term, permanent solutions to stop and reverse displacement and create safe, affordable, healthy, and stable housing for all. As we build towards these long term solutions, we urge you to take action today to expand & pass just cause for eviction protections.

⁸ Chapter 11.100 of [Richmond City Code](#).

⁹ Chapter 13.76.130 of [Berkeley City Code](#).

We look forward to working with you to advance this and other important policy solutions,

Sincerely,

Ramon Quintero
Urban Habitat

Suzanne Moore
Pacifica Housing 4 All

Adriana Guzman
Faith in Action

Karyl Eldridge
One San Mateo

Maria Chatterjee
Legal Aid Society of San Mateo County

David Carducci
Legal Aid Society of San Mateo County

Jeremy Levine
Housing Leadership Council of San Mateo County

Maria Paula Moreno
Nuestra Casa in East Palo Alto

Diana Reddy
One Redwood City

Ofelia Bello
YUCA



The City of Brisbane

Via email: jswiecki@brisbaneca.org

Cc: HousingElements@hcd.ca.gov

September 9, 2022

Re: Brisbane's Draft Housing Element

To the City of Brisbane:

The Campaign for Fair Housing Elements and YIMBY Law thank the City for its [draft housing element](#). We have but a few comments.

The Draft correctly notes there is much work to be done to accommodate the City's housing need. Today, Brisbane hosts almost twice as many workers as residents (Draft, p.I-2). Virtually all of these workers and residents commute into or out of Brisbane; almost no one lives *and* works in the City (*id.* p.II-10). This living pattern emits greenhouse gases, and the City should endeavor to change it. For Brisbane to be sustainable, it needs to be affordable.

A key part of the problem is that the City's zoning laws enforce an artificial shortfall of at least 1,182 homes below need (*id.* p.II-28). A shortfall of such magnitude requires bold reforms. We credit the City's intent to adopt the Baylands Specific Plan to meet its housing need on paper (*id.* pp.III-2, V-7, B-6), but note the City does not actually believe its lower-income need will be met (*id.* p.V-2).

We therefore challenge the City to go farther. A large, vacant site such as the Baylands is an opportunity that few Bay Area cities have: why restrict most of it to low-density development? (See *id.* p.III-7.) The City should also "remove," as State law requires, the

constraints that its R-2, R-3, and NCRO-2 zoning districts admittedly impose on “affordable housing development.” (Compare *id.* p.IV-2 with Gov. Code § 65583(c)(3).)

We also approve the City’s attention to protecting residents from displacement, and look forward to seeing Brisbane’s Affordable Housing Strategic Plan next year. (See Draft, p.V-16.) There is no Program 3.E.1 listed, however, as Policy 2.D suggests. (Compare *id.* p.V-9 with *id.* p.V-15.) We would like to see this clarified.

Please contact me if you have questions, and good luck.

Sincerely,



Keith Diggs

Housing Elements Advocacy Manager, YIMBY Law

keith@yimbylaw.org





City of Brisbane
50 Park Place
Brisbane, CA 94005

To the honorable Brisbane City Council,

The Housing Leadership Council (HLC) appreciates this opportunity to comment on the city of Brisbane's housing element. HLC works with communities and their leaders to create and preserve quality affordable homes. We were founded by service providers and affordable housing professionals over 20 years ago to change the policies at the root cause of our housing shortage.

Though Brisbane has surpassed its Regional Housing Needs Allocation (RHNA) goals for moderate- and above moderate-income housing over the 5th cycle, the city faces significant challenges as it plans for housing at all levels of affordability over the next eight years. Home prices have more than doubled over 20 years, from less than \$500,000 in 2002 to more than \$1 million in 2020.¹ More than 40% of households are cost burdened, meaning they pay more than 30% of their income in rent.² As a result, Brisbane's lower- and middle-income population has collapsed. 903 households made less than \$75,000 per year in 2000; by 2020, just 601 did. The city has lost almost 80% of its residents earning less than \$25,000 per year over just 20 years.³

In response to Brisbane's urgent housing need, this letter provides proposals for changes and additions to the housing element that will enable the city to meet its housing obligations for all residents regardless of income. The first part of this letter examines Brisbane's site inventory analysis, evaluating whether the city has demonstrated capacity for affordable housing as required by the Regional Housing Needs Allocation. The second portion of this letter suggests changes and additions to Brisbane's goals, policies, and programs that will help the city better meet the housing needs of all its residents.

Site Inventory & Methodology

With their site inventory, cities demonstrate that they have adequate locations with the necessary policies in place to produce the RHNA allocations. Recent changes to state law require cities to meet a higher burden of proof for affordable housing in their site inventories. Sites projected for lower-income housing must demonstrate substantial evidence that the

¹ Appendix D: [ABAG/MTC Housing Needs Data Report](#), p. 33

² Appendix D: [ABAG/MTC Housing Needs Data Report](#), p. 7

³ Chapter 2: [Needs Analysis](#), p. 13

existing use will be discontinued during the planning period, particularly if more than 50% of sites projected for lower-income housing are non-vacant.⁴

Brisbane's draft housing element claims that 49% of its low-income homes in the 6th RHNA cycle will be built on non-vacant sites. If true, the city would not need to provide substantial evidence that non-vacant sites will be redeveloped for lower-income housing over the planning period. However, HLC will demonstrate that Brisbane's housing element relies on nonvacant sites for a majority of its lower-income housing and so must provide more evidence to justify the inclusion of some sites in the inventory or identify new policies and programs to support its claims. Most likely, the draft housing element will need to do both.

The housing element site inventory & methodology section claims to demonstrate capacity for 500 lower-income units, 254 of which will be built on vacant sites and 246 of which will be built on nonvacant sites. Of the 254 lower-income units projected for vacant sites, 225 are supposed to come from the Brisbane Baylands project, 24 are supposed to come from ADUs, and another 5 are supposed to come from pending projects.⁵

However, the inventory significantly overestimates the number of units that will be built at the Brisbane Baylands site over the planning period. Under Brisbane's current housing element policies and programs, the site is unlikely to be fully developed during the planning period. Brisbane's housing element outlines a simple story: The city approved Measure JJ in 2018, allowing 1,800-2,200 homes to be built on the Baylands site. The housing element claims that "the City is conservatively calculating the realistic capacity of the Baylands" by assuming that 1,800 units will be built on the site, the lower bound approved by Measure JJ.⁶

The housing element's narrative regarding the Baylands omits several relevant details. For example, the housing element does not mention that the owner of the Baylands proposed a Baylands Specific Plan in 2010 that would have allowed up to 4,434 homes on the site.⁷ A 2013 environmental impact report found that the Baylands project would produce a lower environmental impact if a larger quantity of housing were placed near the planned commercial areas. Yet no significant action was taken on the project until 2018, when Brisbane's city council voted to approve a General Plan amendment allowing a maximum of just 2,200 homes, less than half the original proposal.

Now that the Baylands are able to move forward, there is still a low likelihood that the site will be developed over the planning period. As proposed in the 2011 revised draft Brisbane Baylands Specific Plan, the project was planned to be built over a 30-year schedule. The housing element presents no evidence that the residential portion of the new project would move forward on a faster timeline.

⁴ HCD's [Site Inventory Guidebook](#), p. 27

⁵ Appendix B: [Sites Selection Methodology & Inventory](#), p. 9

⁶ Appendix B: [Sites Selection Methodology & Inventory](#), p. 11

⁷ Brisbane Baylands [Environmental Impact Report: Project Description](#), p. 30

In fact, the housing element indicates there will be further delays. According to program 2.A.2 in the housing element, the city does not plan to approve the current proposed Baylands Specific Plan until January 31, 2026, the maximum time the city can legally delay upzoning.⁸ Even after the Baylands Specific Plan is approved, Brisbane City Manager Clay Holstine has publicly said soil remediation and other environmental cleanup will take at least three years.⁹ The housing element recognizes environmental remediation could be a constraint, but does not acknowledge the projected timeline.¹⁰ HLC believes this constraint could be addressed by allowing environmental remediation to occur concurrently with the project approval process, but the housing element makes no such commitments nor analyzes whether they are even possible pursuant to Measure JJ.

Under the very best case scenario outlined in Brisbane's housing element, the Baylands doesn't even start to break ground until 2029, meaning the proposed 1,800 minimum homes will certainly not be developed within the planning period. However, HLC believes amendments could be made to the housing element that would justify inclusion the Baylands as an opportunity site, though at a reduced realistic capacity reflecting the fact that some homes will not be built within the planning period.

In order to justify inclusion of any portion of the Baylands in its site inventory, the housing element must commit to expedite approval of the Baylands Specific Plan by the end of 2023 (rather than the start of 2026), expedite all relevant permit processing for the Baylands project, and allow remediation to occur concurrently with the approval process so actual development can occur as rapidly as possible. The city should also share plans from the Baylands developer demonstrating that they intend to develop housing at the Baylands site within the planning period.

Then, the city should only count the number of units expected to be built before 2031 toward its 6th cycle RHNA allocation, meaning the site should have a lower realistic capacity for this planning period. HLC believes a reasonable estimate for the Baylands's realistic capacity during this planning cycle is 50%, amounting to 900 total homes, though we would support a different number if the city could provide credible evidence the Baylands will be built on a faster timeline

Lastly, the city should either (1) create a basket of development incentives to ensure the Baylands developer actually builds the planned affordable housing, (2) present a written commitment from the Baylands developer to meet the affordability goals outlined in the housing element, or (3) adjust the housing element's affordability assumptions for the Baylands downward. Either way, even in the best case scenario, Brisbane will likely need to reduce the absolute number of affordable housing units it projects at the Baylands, which will reduce its affordable housing count as well. If Brisbane has to count at least 8 fewer affordable units at the Baylands site, which would be the case if the city uses an appropriate site capacity, the city will

⁸ Chapter 5: [Housing Plan](#), p. 7

⁹ SF Curbed, [Baylands housing could take ten years](#)

¹⁰ Chapter 4: [Constraints](#), pp. 6-7

be planning for a majority of its affordable housing on nonvacant sites in the Parkside neighborhood and must therefore provide substantial evidence that those sites are realistic.

Absent the evidence described above, the state department of Housing and Community Development should not allow any part of the Brisbane Baylands to be counted towards the housing element. Even if the Baylands is accepted as an opportunity site, it should be accepted at a lower realistic capacity absent evidence to the contrary. The city likely needs to identify capacity elsewhere, which will require significant upzoning and other policy changes.

Regardless of whether or not HCD accepts the Baylands as an opportunity site, Brisbane's site inventory has several other gaps. For example, the city includes dozens of single-family parcels in its site inventory that were used in both the 4th and 5th cycles, meaning the city needs to provide a site-by-site analysis demonstrating its projections for these sites are realistic. No such analysis is provided in the draft housing element.

The housing element also assumes 246 lower-income homes will be built in its Parkside neighborhood on six non-vacant parcels located in its POAZ-1 and POAZ-2 districts, all of which are non-vacant. The housing element assumes that 100% of new homes built on these sites will be affordable, an unlikely assumption considering there is no track record of building affordable homes in Brisbane. To HLC's knowledge, no project with affordable homes has been proposed in the Parkside neighborhood since the districts were implemented in 2018. The city needs to provide substantial evidence of redevelopment over the planning period and change local policies in order to include these sites in the inventory.

Several constraints to housing do not receive adequate consideration in the site inventory or the constraints analysis and so require further discussion as well. Table B.4.2 in the site inventory document, Current Land Use and Development Standards, describes development standards that may constrain housing development, but which are not adequately analyzed in the constraints analysis. In particular, HLC notes the following standards likely pose a constraint on housing and should be addressed in the goals, policies, and programs:

- **Floor Area Ratio** of 0.72 in R-3 districts constrains multi-family homes in this district.
- **Max density** in R-3, SCRO-1, PAOZ-1, and PAOZ-2 zones is too low for the vast majority of affordable housing projects to qualify for tax credits, and it also precludes for-profit developers taking significant advantage of the city's inclusionary housing ordinance. Density in these zones should be increased to at least 50 du/ac.
- **Parking minimums** remain a barrier in the city, though Brisbane's council made some progress by passing an ordinance reducing parking minimums for housing serving disabled populations in 2016.¹¹ Brisbane is a transit rich city, and its parking minimums pose an unnecessary constraint on new homes. Brisbane should remove all parking requirements for housing serving populations with special housing needs and create an overlay zone cutting parking requirements in half for all new homes in all districts within 0.75 miles of a CalTrain station.

¹¹ Chapter 4: [Constraints](#), p. 4; Brisbane City Code Section 17.34.020: [Minimum Parking Requirements](#)

- **Height limits** are identified as a constraint in the housing element in some zoning districts: “In informal discussions with non-profit housing developers regarding the potential to develop city-owned lots for affordable housing in Central Brisbane, a four to five story height limit has been identified as necessary.”¹² But the city does not adequately consider how height limits constrain development throughout its multi-family districts or take any action to address the constraint. Therefore, the city should anticipate housing need by raising height limits in the R-3, SCRO-1, PAOZ-1, and PAOZ-2 zones.

Other constraints may go underanalyzed and unaddressed as well. In order to demonstrate substantial evidence that any of its opportunity sites are realistic, Brisbane will need to make significant changes to its programs to address barriers to development and identify new sites.

Goals, Policies, and Programs

In the following section, HLC describes how Brisbane can strengthen its Goals, Policies, and Programs to more effectively promote low- and very low-income housing as needed to create a viable site inventory. The city already has a number of strong policies and programs in place. However, several programs that would otherwise be adequate lack clear timelines and quantified objectives. Some opportunities to promote affordable housing go unconsidered

New state laws have added new requirements to the goals, policies, and programs section of a housing element. Passed in 2018, AB 1397 requires cities to directly connect policies and programs to the identified needs, governmental constraints, and site inventory, among other analyses.¹³ Another 2018 law, AB 686, implemented Affirmatively Furthering Fair Housing mandates, specifically requiring cities to consider how their goals, policies, and programs can better advance fair housing goals, especially the production of low- and very low-income housing. The specific programs cities implement must include “concrete steps, timelines and measurable outcomes.”¹⁴

As released for public comment, Brisbane’s draft housing element has several policies that meet these criteria, for which the city merits recognition. Program 2.C.1, “Amend the density bonus ordinance,” promises a series of useful improvements to the city’s density bonus laws. Program 2.E.5, “Adopt an ordinance establishing ... a nexus fee applicable to new commercial development to fund affordable housing,” could raise substantial revenue for affordable homes.

However, Brisbane’s goals, policies, and programs include some proposals that indicate the city needs to do more outreach before its housing element merits certification. Program 2.E.1, “Adopt and implement an Affordable Housing Strategic Plan (AHSP),” describes several of the routine actions Brisbane was supposed to have taken before submitting its housing element. All

¹² Chapter 4: [Constraints](#), p. 2

¹³ See, e.g., Gov. Code, § 65583, subs. (b), (c); HCD, Building Blocks, at <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>

¹⁴ HCD’s [Affirmatively Furthering Fair Housing Guidebook](#), p. 55

of the steps that Brisbane describes in this program should have already been taken in order to produce the draft housing element.¹⁵ In order to improve this program, Brisbane should:

- **Commit to issuing an annual Notice of Funding Availability** for a 100% affordable housing development within the first two years of the planning period. The housing element implies the city has current affordable housing funds and proposes to raise further revenue, but presents no clear plan to allocate funding.¹⁶
- **Set a revenue raising goal for Program 2.E.5** to ensure the city raises adequate revenue to finance its affordable housing goals.
- **Identify at least one city-owned site to be dedicated to affordable housing and amend Program 2.E.6.** Commit to issuing a Request for Proposals within the first two years of the planning period and provide a metric for the city's housing goals on the site.
- **Create a community engagement plan to commence immediately**, from now until January 2023, that engages the stakeholders described in Program 2.E.1. Input from these stakeholders should be used to inform other new policies and programs in the housing element once Brisbane receives comments from HCD on its first draft.

Other programs intended to support Brisbane's Affordable Housing Strategic Plan require stronger commitments and deliverables. Program 2.D.1, "Evaluate methods to subsidize the cost of affordable or special needs housing," and Program 2.F.3, "evaluate potential to acquire vacant sites and underdeveloped properties in order to ... land bank for future affordable housing projects," describe significant steps the city might take as part of the AHSP, both of which should have been taken as part of the standard housing element process.

As is, neither program will reliably lead to any new incentives for affordable housing because they both promise to "evaluate" changes, not actually make them. These programs can be improved by making stronger commitments to take specific actions that will subsidize the cost of affordable housing and land bank for future affordable housing.

At times, Brisbane proposes programs with actions that are antithetical to the goals they are supposedly trying to promote, though often with the best of intentions. Program 4.A.1, "Adopt and implement anti-displacement programs," considers some misguided policies while ignoring best practices. The program proposes a local preference for residents in affordable housing. "Local Preference" policies make it impossible for affordable housing developers to qualify for state and federal tax credits, which do not allow exclusion of any kind. As such, this action represents a constraint on housing for the very communities this program attempts to help.

Brisbane can better demonstrate its commitment to protecting renters by promoting a range of best practices. Some proposals that Brisbane could add to Program 4.A.1 include:

- **Increase relocation payments for no-fault evictions** from one month to two months rent. Current state law mandates only one month of relocation benefits for renters, which typically does not cover the full cost and disruption of unplanned moves.

¹⁵ Chapter 5: [Housing Plan](#), p. 10

¹⁶ Chapter 5: [Housing Plan](#), p. 6, 10

- **Extend “just cause for eviction” protections** to tenants from their first day of residency. State law AB 1482 only extends just cause for eviction protections to tenants after one year of residency, exposing many renters to disruptive evictions.
- **Create a rental registry** listing all properties available for rent in the city, especially affordable rentals. Aggregating information about rental availability helps tenants with special housing needs locate the best options to accommodate them.

Several other policies and programs could be added or improved to make affordable housing development in Brisbane more likely, as described below:

- **Add Policy 1.C**, “Promote fair housing by creating incentives for development of affordable housing and special needs housing development.”
- **Add Program 1.C.1**, “Rightsize parking,” to allow
 - a. Halve parking minimums for all developments located within 0.5 miles of a CalTrain station or the Camino Real commercial corridor.
 - b. Eliminate parking minimums entirely for all units made accessible to those with mental or physical disabilities. Members of disabled groups are less likely to drive, so the city can easily cut costs and promote more affordable housing choices by allowing facilities to rightsize parking.
- **Add Program 1.C.2**, “Affordable housing overlay zone,” to create an overlay zone that
 - a. Eliminates parking requirements, floor area ratio, density limits, and lot coverage maximums for 100% affordable housing developments in which at least 60% of homes serve lower-income households, to apply throughout the R-1, R-2, R-3, NCRO-1, NCRO-2, SCRO-1 zones.
 - b. Increases height limits to 45 feet for 100% affordable housing developments as previously described in this program.
 - c. Waives or defers impact fees for 100% affordable housing developments as previously described in this program.
 - d. Expedites permit processing and environmental review for 100% affordable housing developments as previously described in this program.
- **Add Program 1.C.3**, “Allow housing on sites with institutional uses.”
 - a. Apply Brisbane’s housing overlay zone (as described in the prior policy) to all sites used for institutional purposes, such as educational facilities and churches, regardless of underlying zoning.
- **Amend Program 2.D.2**, “encourage development of ADUs and junior ADUs,” to include
 - a. Create preapproved ADU designs which receive by-right approval and expedited permit processing. This program has been included in many San Mateo County housing elements, from smaller communities like Portola Valley and Atherton to larger cities like Redwood City.
 - b. Waive impact fees for ADUs with at least 15-year deed restrictions for low- or very low-income housing. In order to justify its projections for affordable ADUs, Brisbane needs substantial new policies to promote ADU production of lower-income housing.
- **Amend Program 2.A.2**, “Adopt the Baylands/Specific Plan,” to
 - a. Expedite approval of the Baylands Specific Plan by the end of 2023

- b. Expedite all relevant permit processing for the Baylands project
- c. Expedite any supplemental environmental review of the Baylands so as to ensure remediation can occur as rapidly as possible.
- d. Offer concessions and waivers to the Baylands pursuant to density bonus law.
- **Add Program 2.A.7**, "Update Zoning Code," to
 - a. Increase allowable building heights to 50 feet in NCRO-2, SCRO-1, PAOZ-1, and PAOZ-2 zones. Increase allowable building height to 35 feet in R-3 zones.
 - b. Increase allowable density to
 - 100 dwelling units per acre in NCRO-2 and SCRO-1 zones
 - 50 dwelling units/acre in PAOZ-1 and PAOZ-2 zones
 - 35 dwelling units/acre in R-3 zones
 - c. Increase FAR to 3 in R-3 zones.

All of the above programs should be implemented as early in the planning period as possible, particularly the zoning code updates that will make new homes much more feasible to build. The draft housing element may benefit from adoption or adjustment of other policies as well, which HLC may recommend in the coming months as we review the document more closely.

HLC wants to be a partner to the city, sharing our collective knowledge of state law and best practices to facilitate fair housing. Please contact me or other HLC staff if you would like to talk further about how Brisbane can identify and implement policies that will best meet the community's needs.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Jeremy Levine', with a large, stylized initial 'J'.

Jeremy Levine

Policy Manager, Housing Leadership Council of San Mateo County

Question/Comment via website

Ronald <brisbaneca@municodeweb.com>

Fri 9/9/2022 1:40 PM

To: Ayres, Julia <jayres@ci.brisbane.ca.us>

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Submitted on Friday, September 9, 2022 - 1:40pm

Submitted by anonymous user: 207.62.246.90

Submitted values are:

First Name Ronald

Last Name Colonna

Phone Number 650-533-6740

Email Address rcolonna@j...@...@...

Is this related to Brisbane's Draft 2023-2031 Housing Element? Yes

Would you like all or part of the draft Housing Element to be translated to Simplified Chinese or Spanish? No

Question/Comment

As a long time resident of Paul Ave. I am asking that some attention by the Draft 2023-2031 Housing Element be paid to state which property owners had placed on them by actions of the City. That state is one of inaction because of the imposition of excessive conditions/ costs under which anything can be done. Prior to a city council action - done on the spur of the moment many years ago, because of the city attorney's interjection when it became apparent that a group of property owners were intent on moving forward with development - lots in the Acres were treated the same as lots in the City Proper survey area: one had to improve the street in front of his/her lot as a condition of moving forward. Now, any lot on Margaret or Paul has to improve ALL of Margaret and ALL of Paul Avenues in order to move forward.

For those wanting open space at any cost to others this was a marvelous solution, and it had all the honorable justifications on its face, such as 'excessive slopes, no fire truck turn-around, environmental sensitivity, etc.

Some points in fact: 1) There have been full sized fire trucks up there (a small fire at what is now 91 Paul Ave. many years ago). All the emergency vehicles were able to leave by backing down to the Paul/Margaret intersection to turn around. Just this past year a full sized fire truck accessed Paul Ave. for testing street access purposes and retreated without incident. (For that matter a proper turn-around could be accomplished at the location where the Paul Ave. water tank had been located (that tank's handling by the City is a whole other story).

2) There are many houses on the upper City Proper streets that are on slopes equal to and far-in-excess-of slopes on Paul and Margaret. In other words, slope acceptance for individual lots should be based on the lot itself and not on a blanket inclusion in a survey section - as the council did in its distinction regarding street improvement requirements.

3) The environmental concerns involved are environmental conceits of a few that have been easily adopted by others once it's clear that there will be no cost to any of them. Example: Do the right/ legal

thing and pay the market price for the properties that are so desired: No way. The entire community would likely never agree to spending the relatively small amount assessed to each for these treasures when it's confided to them that, though the 'taking' of these property rights is illegal, if it can be done by 'hook or crook' at great expense to those with the foresight to have purchased those rights - then so be it ! (I recognize the 'back-handed compliment' that any attempted theft confers in recognizing the foresight.)

I am desirous that a study be done - one done soon - so that people can move forward. Whether I'm dealing with a City that has purchased the vacant lots at market value or the individuals owning them, we can move forward on improvements if some honest resolutions are found.

An aside: I don't believe that the City, or the involved property owners, or the people walking the paths up the mountain would want to see the streets developed to the fullest extent that the codes ask. Neither aesthetically, nor financially. There's a small developed area on a hillside in Orinda in which they did such, and it looks terrible and out-of-place.....

Thank you.

The results of this submission may be viewed at:

<https://www.brisbaneca.org/node/15871/submission/10505>

Question/Comment via website

Peter <brisbaneca@municodeweb.com>

Fri 9/9/2022 1:51 PM

To: Ayres, Julia <jayres@ci.brisbane.ca.us>

This message was sent from outside the company by someone with a display name matching a user in your organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Submitted on Friday, September 9, 2022 - 1:51pm

Submitted by anonymous user: 24.4.153.254

Submitted values are:

First Name Peter

Last Name Sutherland

Phone Number [REDACTED]

Email Address [REDACTED]@hotmail.com

Is this related to Brisbane's Draft 2023-2031 Housing Element? Yes

Would you like all or part of the draft Housing Element to be translated to Simplified Chinese or Spanish?

Question/Comment

This is concerning the potential development of the Lower Acres section of the 2023-2031 Draft Housing Element. I would like to expand and elaborate on the following section of the draft survey I recently completed and submitted:

"Encourage preservation of privately-owned parcels in the Residential Brisbane Acres (R-BA) zoning district by allowing the development potential of those parcels to be transferred to other sites in the City that are more suitable for residential development (e.g., sites without sensitive habitat, sites with existing street and utility infrastructure, sites near community amenities). (See Draft Housing Element Program 2.G.1)"

I think the above is a very good idea. However, as in the purchase of the former Bank of America site, I would greatly welcome and support the purchase of said, privately owned lots by the City of Brisbane, if a land swap cannot be achieved or is not viable. There are several very important reasons to support such actions: 1. The lower acres is now a natural, forested habitat for extensive and diverse wildlife such as owls, falcons, grey foxes, endangered butterflies, opossums, coyotes, skunks, rare plants, etc. Development will, more likely than not, drive wildlife further down the hill into our established streets and backyards - as opposed to further up the (very steep) hill. 2. Clearing trees, forest, and brush for development will facilitate mudslides and floods - not covered by homeowner's insurance policies. Ground and soil quality has been proven to be subpar in previous mudslide incidents. Large storms, hurricanes, and super-storms are most certainly in our future (<https://www.nytimes.com/interactive/2022/08/12/climate/california-rain-storm.html>). Those that live downhill could also suffer big consequences. 3. Increased vulnerability, fatality and liability in fire situations. In order to support infrastructure and other services, many big and expensive homes will need to be built on the Lower Acres which will certainly include numerous vehicles per household . In the event of fire, which has happened several times before on our hill, large amounts of vehicles will be flooding Kings Rd., Humboldt, Margaret, Glenn Park, Paul, San Mateo, etc, - mostly on single lane

roads- including police SUVs, fire trucks, large SUVs, trucks, etc. Chaos and potential injury/death is the most likely outcome in this scenario. Single lane streets simply cannot support a proper and timely evacuation under such devastating and disastrous circumstances. 4. Increased traffic on single lane, and narrow roads- both before and after construction- will heavily impede access for existing residents of the upper Brisbane streets. Delivery, mail, moving, and construction trucks and vehicles are often already an impediment on the aforementioned streets. Full-scale street blockage is also a familiar phenomenon and all would only increase in occurrences.

Lastly, I would like to bring attention to above-mentioned issues and considerations for the future development of other areas of Brisbane that would be affected in a similar fashion which, unfortunately, I know less about, but may have similar, negative consequences as a result of significant development. Thank you for your consideration...

The results of this submission may be viewed at:

<https://www.brisbaneca.org/node/15871/submission/10506>

DRAFT

**APPENDIX E
CITY'S RESPONSES TO PUBLIC COMMENTS**

Nine comment emails or letters were received during the public comment period, from 8/8/22 to 9/9/22. These are provided separately within this Appendix and included:

1. Dolores Gomez (8/15/22)
2. Dana Dilworth (8/25/22)
3. Transform (8/23/22)
4. Anthony Lavaysse (8/26/22)
5. San Mateo Anti-displacement Coalition (SMADC) (9/9/22)
6. Campaign for Fair Housing Elements and YIMBY Law (9/9/22)
7. Housing Leadership Council (9/9/22)
8. Ronald Colonna (9/9/22)
9. Peter Sutherland (9/9/22)

The following provides a brief synopsis of the comments and the City's response.

DOLORES GOMEZ

Dolores Gomez questioned water supply and traffic impacts within central Brisbane. Note that the rezoning to provide for housing where it is not already permitted is planned for the Baylands only.

DANA DILWORTH

Dana Dilworth provided various comments related to CEQA. Note that the City's CEQA determination is that the Housing Element is exempt, per CEQA Guidelines §15061(b)(3) because it involves adoption of policies and programs that would not cause a significant effect on the environment and per Section 15183(d) for proposed and existing zoning programs, including those to meet the RHNA shortfall. Additionally, the Housing Element would not reduce the environmental protections within the San Bruno Mountain Habitat Conservation Plan area.

TRANSFORM

Transform requested specific parking and transportation demand management (TDM) reforms, to drive less, and noted the importance of program strategies to support more affordable homes, such as 2.D.1 and 2.E.1. The comments are noted. The program to review parking 6.A.5 and the related program 6.B.1 to develop TDM policy is sufficiently inclusive to address Transform's comments through the future study to follow. Typographic errors in the parking table 4.1 have been corrected.

ANTHOINY LAVAYSSE

Anthony Lavaysse requested provision of labor standards for housing construction workers.

SMADC

SMADC requests a just cause eviction ordinance. In response, a new anti-displacement program has been included and prioritized for 2023, Program 4.A.14, “Adopt a just cause eviction ordinance to protect renters from arbitrary and unjustified evictions.”

CAMPAIGN FOR FAIR HOUSING ELEMENTS AND YIMBY LAW

Comments were made about the opportunities and challenges in meeting the housing need, especially the opportunity provided by the Baylands. Per government code section 65583(b) the quantified objectives provided in Section 5.1 of the Housing Element provide a best estimate of actual production and are not required to match the RHNA. The typographic error referencing Program 3.E.1 has been changed to 2.E.1.

HOUSING LEADERSHIP COUNCIL

HLC takes issue with the City’s reliance on the Parkside PAOZ-1 and PAOZ-2 and the Baylands areas for meeting the RHNA.

The Parkside areas are non-vacant sites, developed with aging warehouses, and were rezoned to allow for housing within the last Housing Element period, 5th cycle RHNA. These sites are consistent with Government Code Section 65583.2 which provides that the City may use nonvacant sites for up to 50 percent of the lower income housing need, provided the site zoning accommodates development at a density of at least 20 dwelling units per acre (du/ac; ref. Govt Code Section 65582.2(c)(3)(B)). The minimum density in the PAOZ-1 district is 20 du/ac and the minimum density in the PAOZ-2 district is 24 du/ac. They also meet the requirements of Gov’t Code Section 65583.2(c) which allows the City to use nonvacant sites identified in a previous housing element providing that the sites are zoned to permit by-right developments in which at least 20% of the units are affordable to low-income households, as residential development in the PAOZ districts are permitted by-right without discretionary review (ref: BMC CHapter 17.27)

The portion of the Baylands subarea identified for rezoning in this Housing Element is vacant, as defined by HCD’s Site Inventory Guidebook, and will be rezoned, via Specific Plan adoption, within the first 3 years of this 6th cycle RHNA, to meet the requirements of Section 65583.2(c)(3)(B), per Program 2.A.2 and 2.B1.

The Baylands accommodates the majority of the City’s RHNA and its development will approximately double the size of the City’s population, with either the minimum of 1,800 new housing units or the owner-developer proposed 2,200 new housing units. The owner-developer



submitted a draft Specific Plan in the Spring of 2022 proposing development of 2,200 units and has indicated their readiness to move forward with development upon its adoption.

The Draft Specific Plan submitted by the developer identifies residential construction in the first phase of project buildout. The State Department of Toxic Substances Control and the Regional Water Quality Control Board have also approved remedial action plans for the land areas proposed to be developed with residential uses. Regarding HLC's comments on other programs, the City contends that the proposed programs meet the State Housing Element law, both in letter and intent. While there are some programs that direct that the City will study an item, such as parking via Program 6.A.5, and therefore do not have firm a commitment to adopt a specific standard, these are additional voluntary initiatives that go above and beyond state requirements.

Finally, a number of programs are suggested by HLC to rezone Central Brisbane zoning districts and the surrounding residential districts. As detailed in the draft Housing Element, these areas are predominately made up of small sites under separate ownerships, and are largely nonvacant or have other constraints. Therefore, even with aggressive adjustments to development standards, these sites would not be likely to redevelop and are not a viable means to accommodate the City's RHNA.

RONALD COLONNA

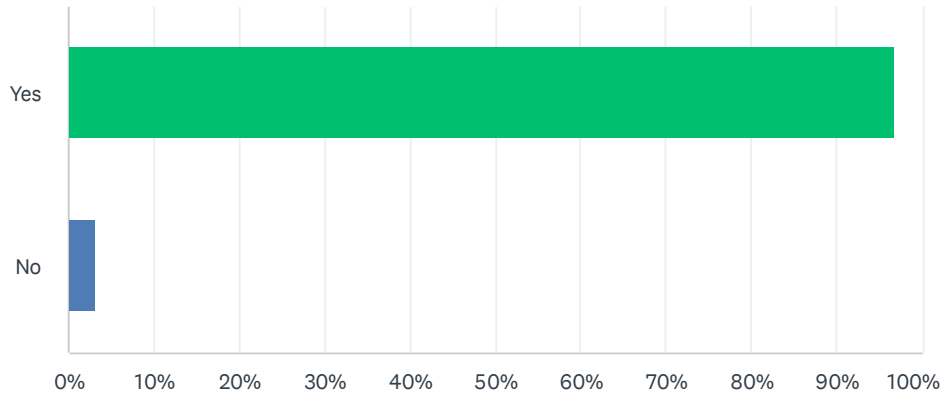
It's noted that Ronald Colonna expressed concerns about past actions related to the Brisbane Acres and requested a study be done related to acquisition of open space and housing.

PETER SUTHERLAND

Peter Sutherland expressed support for the program to consider density transfer from the Brisbane Acres to other districts.

Q1 Are you a Brisbane resident?

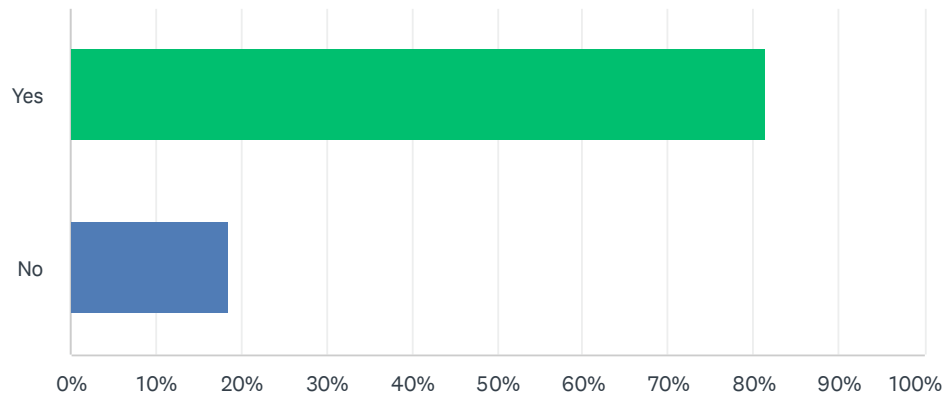
Answered: 126 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	96.83%	122
No	3.17%	4
TOTAL		126

Q2 Do you own your place of residence?

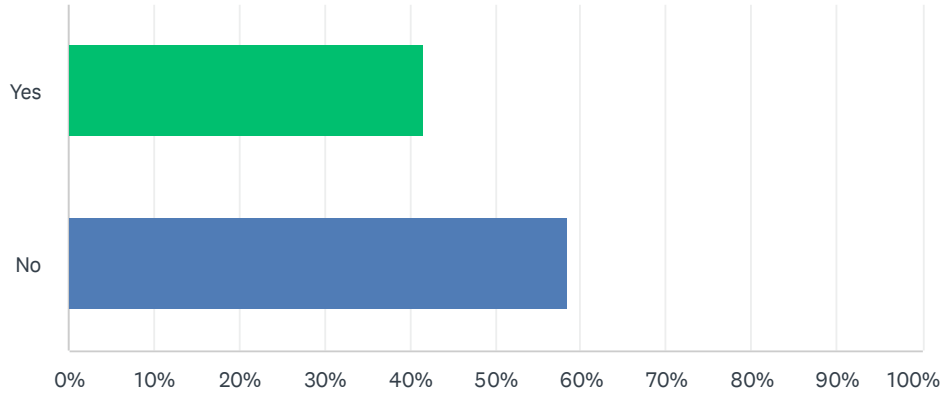
Answered: 119 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	81.51%	97
No	18.49%	22
TOTAL		119

Q3 Have you considered adding an accessory dwelling unit to your property?

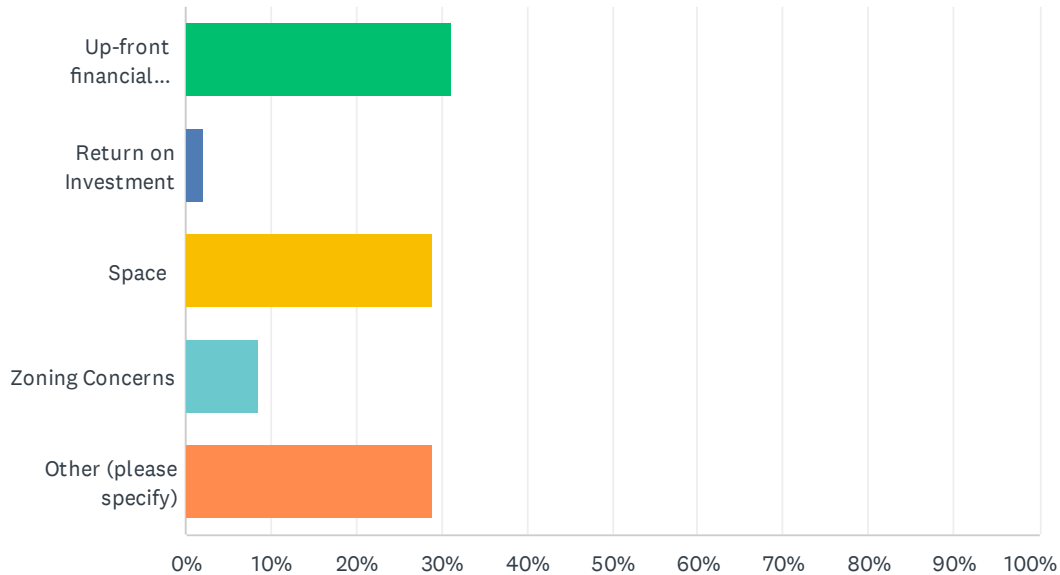
Answered: 94 Skipped: 32



ANSWER CHOICES	RESPONSES	
Yes	41.49%	39
No	58.51%	55
TOTAL		94

Q4 What do you see as the biggest impediment to adding an Accessory Dwelling Unit (ADU)?

Answered: 93 Skipped: 33



ANSWER CHOICES	RESPONSES	
Up-front financial concerns	31.18%	29
Return on Investment	2.15%	2
Space	29.03%	27
Zoning Concerns	8.60%	8
Other (please specify)	29.03%	27
TOTAL		93

#	OTHER (PLEASE SPECIFY)	DATE
1	Knowing where to start -> engineer, architect, etc	9/28/2022 12:19 PM
2	I live on the Ridge. Option not available	9/24/2022 6:08 AM
3	parking	9/20/2022 12:27 PM
4	Planning to move in the next few years and don't wish to make this investment.	9/14/2022 1:44 PM
5	impact on parking	9/12/2022 11:11 AM
6	Parking	9/10/2022 1:01 PM
7	We do have an ADU already.	9/8/2022 5:15 PM
8	all of the above + privacy	9/8/2022 12:14 PM
9	Definitely PARKING	9/8/2022 12:12 PM
10	Space; small house; not interested	9/8/2022 11:30 AM

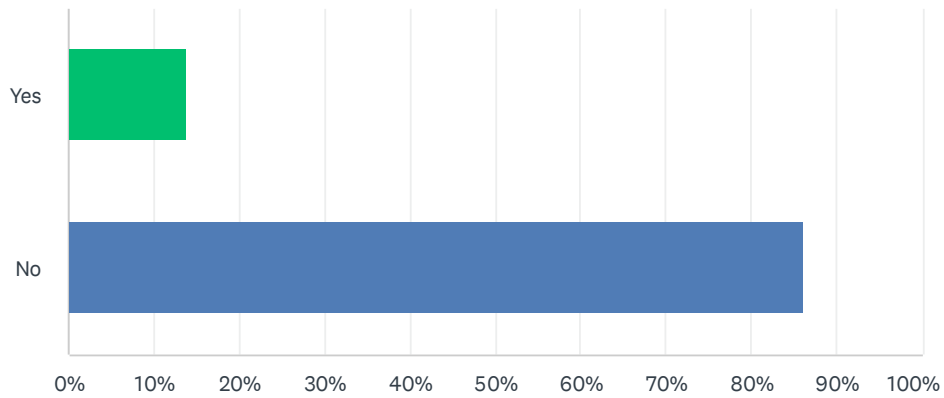
Housing Element Survey

8/11/2022 - 9/23/2022

11	The city not letting us have 80 units within our home without building out the footprint. No I cant you have two ADS? If you're not building out of the footprint?	9/6/2022 2:07 PM
12	live in condo	9/4/2022 4:32 PM
13	We do not want an ADU	9/2/2022 8:06 AM
14	up front financial concerns, return on investment; PUD's + HOA condos don't allow for ADU's. Brisbane parking spaces are inadequate & will get worse.	8/30/2022 2:43 PM
15	I don't want additional folks living on my property	8/29/2022 11:47 AM
16	I already have an ADU	8/27/2022 9:29 PM
17	No need	8/22/2022 11:36 PM
18	misuse of ADUs for the purposes of short-term rentals (either using the ADU as a short-term rental or using your house as a short-term rental after moving into the ADU), parking, additional demands for scarce water supplies, etc.	8/21/2022 1:25 PM
19	Can't	8/21/2022 12:38 PM
20	Parking	8/21/2022 8:21 AM
21	having the time to figure out all of the above, and etc.	8/20/2022 9:57 PM
22	City restrictions	8/20/2022 6:17 AM
23	not enough parking already	8/18/2022 7:34 PM
24	Large easement	8/18/2022 6:14 PM
25	Finances, privacy concerns, not wanting a tenant	8/18/2022 6:46 AM
26	Bad tenants	8/15/2022 8:30 PM
27	Parking for autos	8/12/2022 3:20 PM

Q5 Are you are having difficulty maintaining your home due to costs?

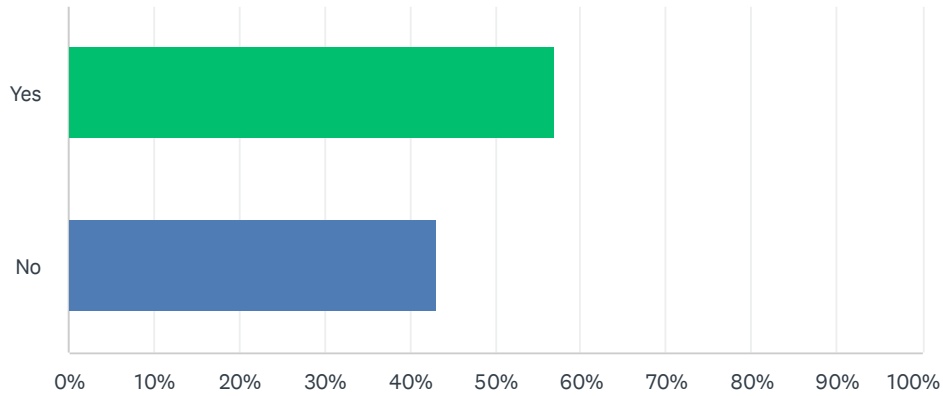
Answered: 94 Skipped: 32



ANSWER CHOICES	RESPONSES	
Yes	13.83%	13
No	86.17%	81
TOTAL		94

Q6 Would you would like to make energy improvements to your home, but are delaying due to affordability?

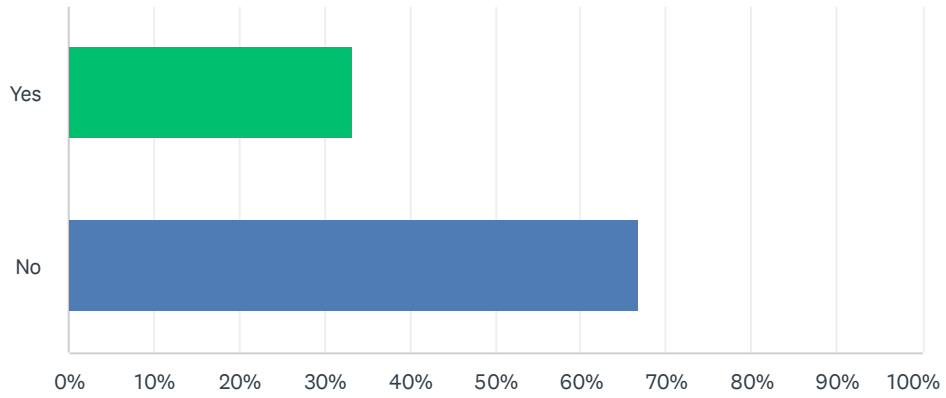
Answered: 95 Skipped: 31



ANSWER CHOICES	RESPONSES	
Yes	56.84%	54
No	43.16%	41
TOTAL		95

Q7 If renting, do you feel that you are at risk of displacement due to rising rental rates?

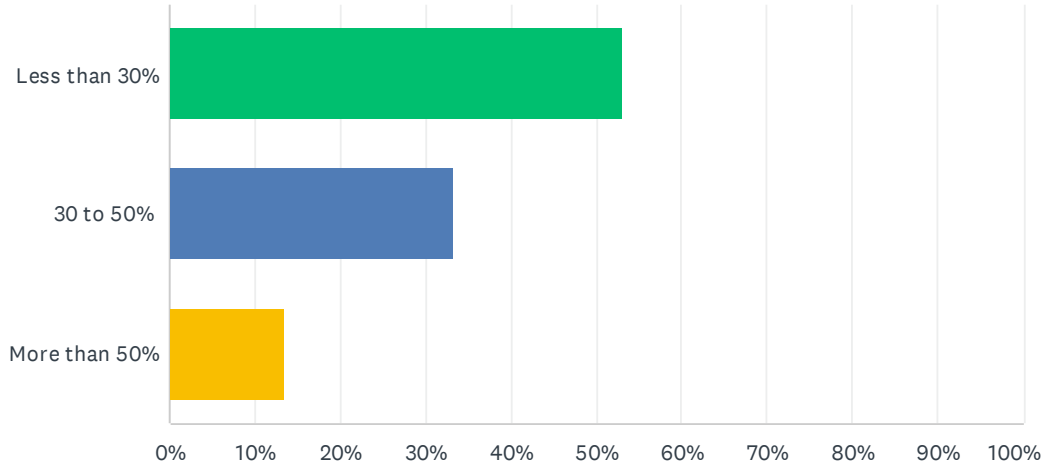
Answered: 54 Skipped: 72



ANSWER CHOICES	RESPONSES	
Yes	33.33%	18
No	66.67%	36
TOTAL		54

Q8 How would you characterize your housing costs relative to your household income, either rent or house payment including taxes and insurance?

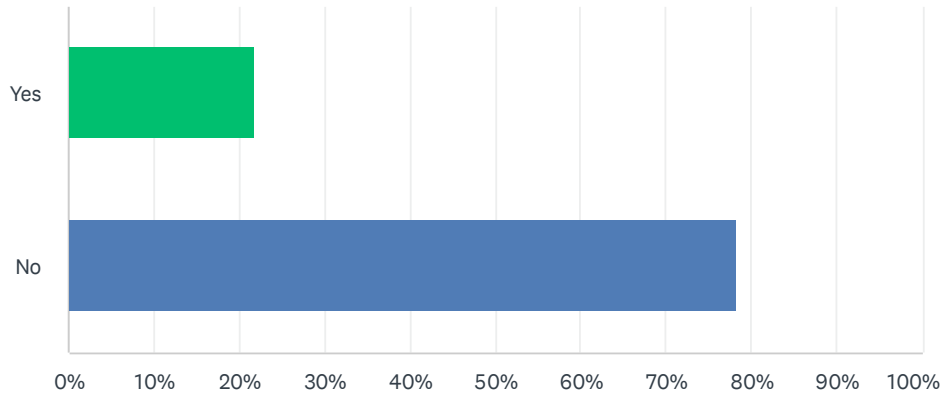
Answered: 111 Skipped: 15



ANSWER CHOICES	RESPONSES	
Less than 30%	53.15%	59
30 to 50%	33.33%	37
More than 50%	13.51%	15
TOTAL		111

Q9 Do you work in Brisbane?

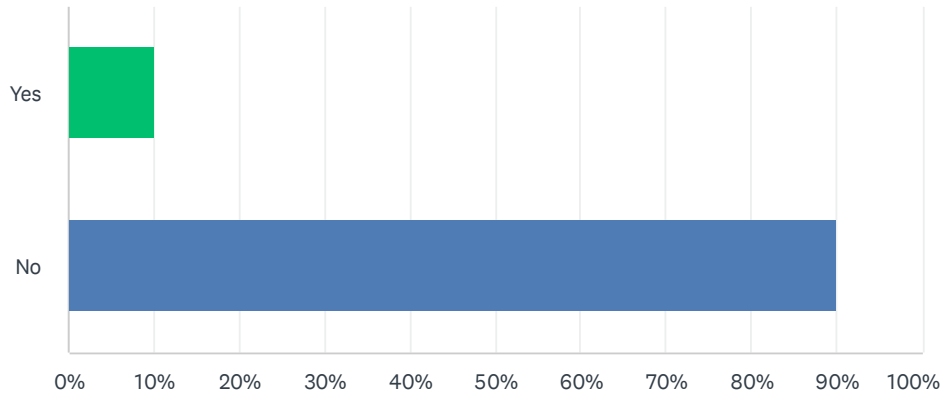
Answered: 120 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	21.67%	26
No	78.33%	94
TOTAL		120

Q10 Are you a landlord or residential property manager in Brisbane?

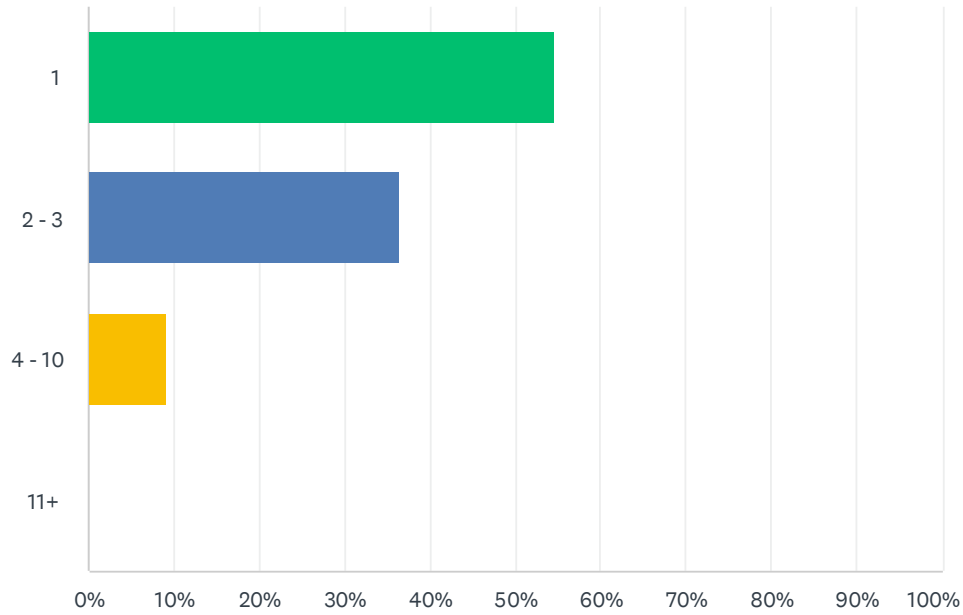
Answered: 120 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	10.00%	12
No	90.00%	108
TOTAL		120

Q11 How many residential housing units do you manage or own in Brisbane?

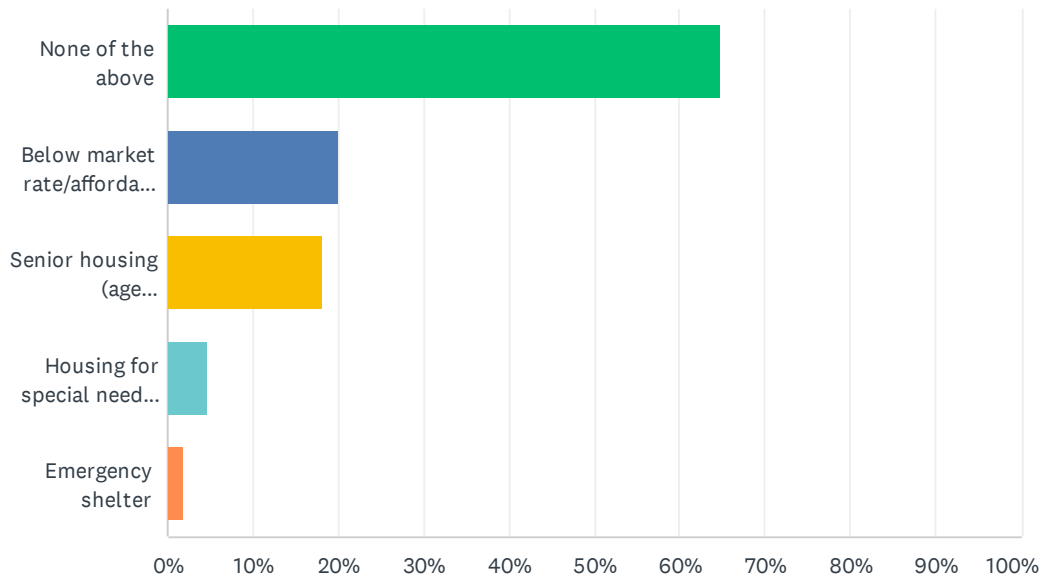
Answered: 11 Skipped: 115



ANSWER CHOICES	RESPONSES	
1	54.55%	6
2 - 3	36.36%	4
4 - 10	9.09%	1
11+	0.00%	0
TOTAL		11

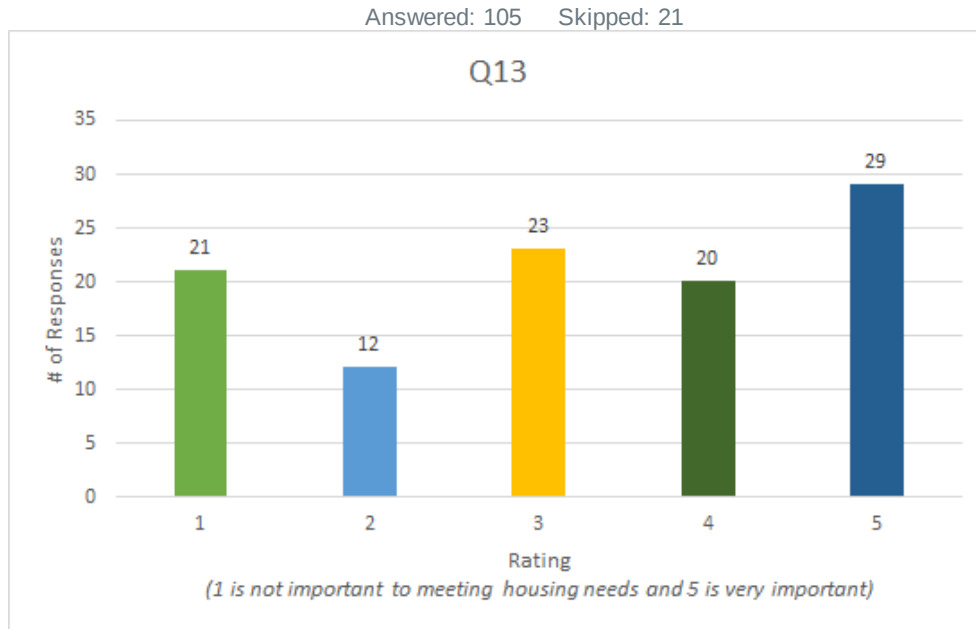
Q12 Are you, or is someone you know, seeking housing in Brisbane that fits in one or more of the following categories (check all that apply):

Answered: 105 Skipped: 21



ANSWER CHOICES	RESPONSES	
None of the above	64.76%	68
Below market rate/affordable (deed restricted)	20.00%	21
Senior housing (age restricted)	18.10%	19
Housing for special needs (disability, etc.)	4.76%	5
Emergency shelter	1.90%	2
Total Respondents: 105		

Q13 Study zoning districts that allow residential development where reducing minimum lot sizes may be appropriate to encourage development of tiny homes, row-homes, bungalows, or other similar small-scale housing developments. (See Draft Housing Element Program 2.A.5)



Total Respondents: 105

#		DATE
1	3	9/28/2022 12:21 PM
2	4	9/28/2022 12:18 PM
3	5	9/28/2022 12:16 PM
4	2	9/28/2022 12:13 PM
5	4	9/24/2022 9:39 AM
6	5	9/23/2022 7:33 PM
7	5	9/23/2022 6:40 PM
8	3	9/22/2022 1:30 PM
9	1	9/20/2022 12:36 PM
10	5	9/20/2022 12:32 PM
11	1	9/20/2022 12:30 PM
12	5	9/19/2022 5:30 PM
13	5	9/19/2022 1:33 PM
14	1	9/14/2022 1:54 PM
15	4	9/14/2022 1:46 PM
16	5	9/13/2022 11:31 AM

Housing Element Survey

8/11/2022 - 9/23/2022

17	5	9/13/2022 11:28 AM
18	1	9/13/2022 11:26 AM
19	3	9/13/2022 11:23 AM
20	3	9/13/2022 11:22 AM
21	5	9/12/2022 11:17 AM
22	3	9/12/2022 11:12 AM
23	3	9/9/2022 8:04 PM
24	4	9/8/2022 5:19 PM
25	5	9/8/2022 12:31 PM
26	3	9/8/2022 12:29 PM
27	5	9/8/2022 12:22 PM
28	5	9/8/2022 12:20 PM
29	3	9/8/2022 12:17 PM
30	4	9/8/2022 12:13 PM
31	3	9/8/2022 12:11 PM
32	2	9/8/2022 12:09 PM
33	5	9/8/2022 12:07 PM
34	3	9/8/2022 11:36 AM
35	1	9/6/2022 3:45 PM
36	4	9/6/2022 3:30 PM
37	5	9/6/2022 2:18 PM
38	4	9/4/2022 10:54 PM
39	3	9/4/2022 4:35 PM
40	5	9/4/2022 10:31 AM
41	5	9/3/2022 3:18 PM
42	4	9/3/2022 1:51 PM
43	5	9/2/2022 11:28 AM
44	4	9/2/2022 11:26 AM
45	5	9/2/2022 11:15 AM
46	2	9/2/2022 11:11 AM
47	3	9/2/2022 8:14 AM
48	3	9/1/2022 6:18 PM
49	3	8/30/2022 4:27 PM
50	5	8/30/2022 2:47 PM
51	1	8/29/2022 11:51 AM
52	2	8/28/2022 5:46 PM
53	1	8/27/2022 9:36 PM
54	2	8/27/2022 8:30 PM

Housing Element Survey

8/11/2022 - 9/23/2022

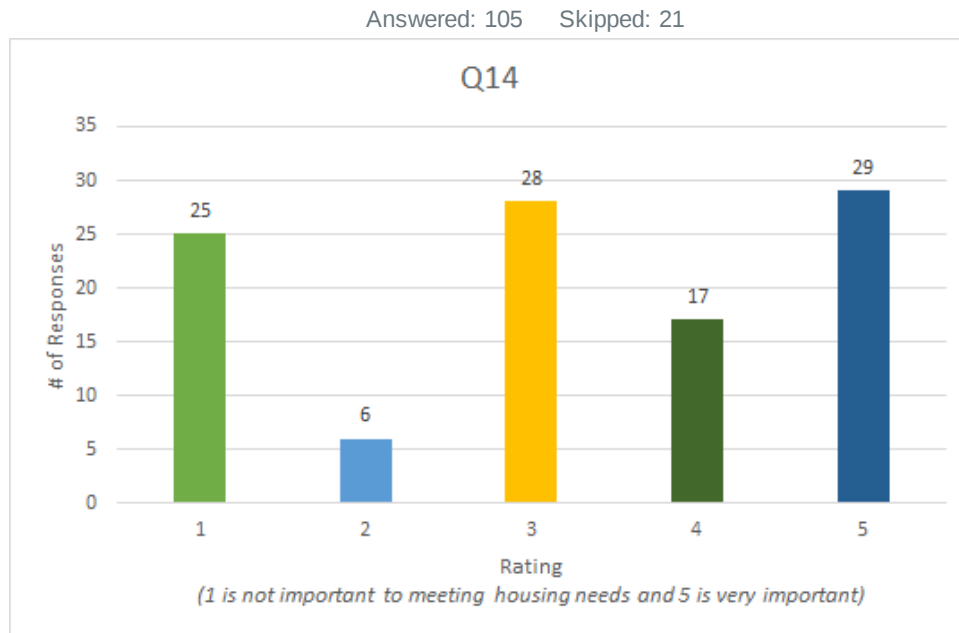
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57	5	8/27/2022 4:16 PM
58	1	8/27/2022 12:11 PM
59	3	8/27/2022 7:10 AM
60	5	8/25/2022 4:40 PM
61	1	8/24/2022 2:43 PM
62	1	8/24/2022 2:36 PM
63	3	8/24/2022 2:23 PM
64	5	8/24/2022 12:48 PM
65	1	8/24/2022 8:32 AM
66	3	8/23/2022 10:39 AM
67	1	8/23/2022 4:40 AM
68	3	8/22/2022 6:13 PM
69	1	8/22/2022 3:20 PM
70	1	8/21/2022 7:15 PM
71	1	8/21/2022 4:33 PM
72	2	8/21/2022 2:05 PM
73	4	8/21/2022 12:51 PM
74	4	8/21/2022 9:27 AM
75	4	8/21/2022 9:26 AM
76	3	8/21/2022 8:24 AM
77	5	8/20/2022 2:43 PM
78	2	8/20/2022 6:19 AM
79	4	8/20/2022 12:05 AM
80	2	8/19/2022 7:03 PM
81	5	8/19/2022 6:02 PM
82	4	8/19/2022 5:05 PM
83	4	8/19/2022 4:51 PM
84	1	8/18/2022 9:19 PM
85	1	8/18/2022 7:40 PM
86	5	8/18/2022 6:58 PM
87	4	8/18/2022 6:18 PM
88	3	8/18/2022 1:49 PM
89	4	8/18/2022 1:20 PM
90	4	8/18/2022 1:16 PM
91	4	8/18/2022 1:07 PM
92	5	8/18/2022 1:03 PM

Housing Element Survey

8/11/2022 - 9/23/2022

93	2	8/18/2022 6:54 AM
94	1	8/15/2022 8:39 PM
95	5	8/15/2022 12:30 PM
96	1	8/15/2022 11:35 AM
97	2	8/13/2022 11:47 PM
98	3	8/13/2022 7:36 PM
99	1	8/13/2022 12:59 AM
100	2	8/12/2022 8:21 PM
101	3	8/12/2022 8:00 PM
102	5	8/12/2022 6:53 PM
103	3	8/12/2022 6:47 PM
104	4	8/12/2022 5:07 PM
105	5	8/11/2022 5:21 PM

Q14 Encourage the production of accessory dwelling units (ADUs) by funding a loan program to help offset the cost of ADU construction or adopting fee waivers. (See Draft Housing Element Program 2.D.2)



Total Respondents: 105

#		DATE
1	3	9/28/2022 12:21 PM
2	5	9/28/2022 12:18 PM
3	5	9/28/2022 12:16 PM
4	3	9/28/2022 12:13 PM
5	5	9/24/2022 9:39 AM
6	5	9/23/2022 7:33 PM
7	3	9/23/2022 6:40 PM
8	2	9/22/2022 1:30 PM
9	5	9/20/2022 12:36 PM
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11	1	9/20/2022 12:30 PM
12	3	9/19/2022 5:30 PM
13	1	9/19/2022 1:33 PM
14	1	9/14/2022 1:54 PM
15	4	9/14/2022 1:46 PM
16	5	9/13/2022 11:31 AM
17	5	9/13/2022 11:28 AM
18	2	9/13/2022 11:26 AM

Housing Element Survey

8/11/2022 - 9/23/2022

19	3	9/13/2022 11:23 AM
20	3	9/13/2022 11:22 AM
21	3	9/12/2022 11:17 AM
22	1	9/12/2022 11:12 AM
23	3	9/9/2022 8:04 PM
24	4	9/8/2022 5:19 PM
25	3	9/8/2022 12:31 PM
26	5	9/8/2022 12:29 PM
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33	5	9/8/2022 12:07 PM
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47	4	9/2/2022 8:14 AM
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50	1	8/30/2022 2:47 PM
51	1	8/29/2022 11:51 AM
52	4	8/28/2022 5:46 PM
53	3	8/27/2022 9:36 PM
54	4	8/27/2022 8:30 PM
55	1	8/27/2022 7:22 PM
56	4	8/27/2022 4:50 PM

Housing Element Survey

8/11/2022 - 9/23/2022

57	5	8/27/2022 4:16 PM
58	1	8/27/2022 12:11 PM
59	5	8/27/2022 7:10 AM
60	4	8/25/2022 4:40 PM
61	1	8/24/2022 2:43 PM
62	1	8/24/2022 2:36 PM
63	4	8/24/2022 2:23 PM
64	3	8/24/2022 12:48 PM
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69	1	8/22/2022 3:20 PM
70	1	8/21/2022 7:15 PM
71	3	8/21/2022 4:33 PM
72	1	8/21/2022 2:05 PM
73	5	8/21/2022 12:51 PM
74	4	8/21/2022 9:27 AM
75	4	8/21/2022 9:26 AM
76	3	8/21/2022 8:24 AM
77	2	8/20/2022 2:43 PM
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79	5	8/20/2022 12:05 AM
80	2	8/19/2022 7:03 PM
81	5	8/19/2022 6:02 PM
82	1	8/19/2022 5:05 PM
83	4	8/19/2022 4:51 PM
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85	1	8/18/2022 7:40 PM
86	5	8/18/2022 6:58 PM
87	5	8/18/2022 6:18 PM
88	3	8/18/2022 1:49 PM
89	5	8/18/2022 1:20 PM
90	3	8/18/2022 1:16 PM
91	3	8/18/2022 1:07 PM
92	5	8/18/2022 1:03 PM
93	4	8/18/2022 6:54 AM
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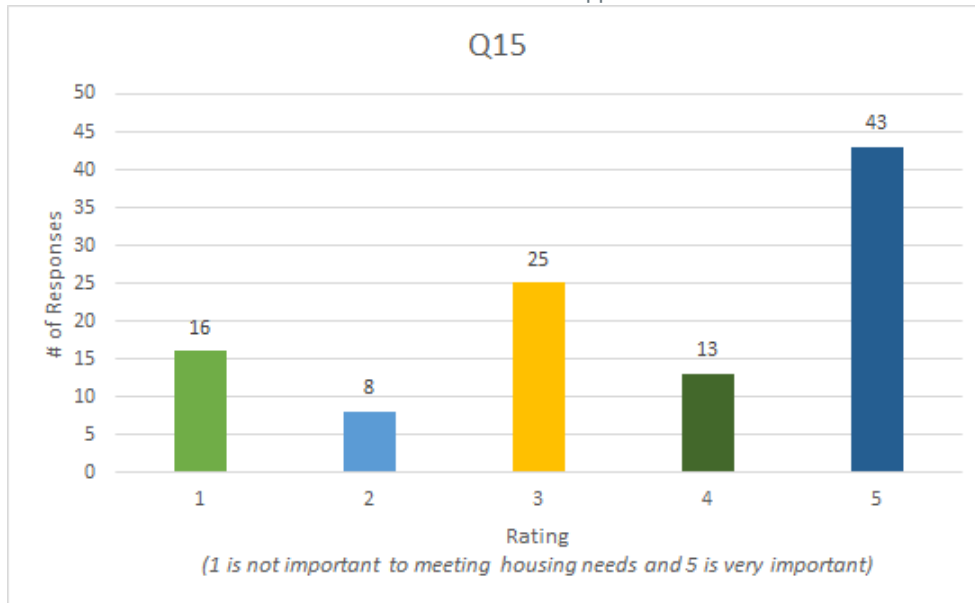
Housing Element Survey

8/11/2022 - 9/23/2022

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99	3	8/13/2022 12:59 AM
100	3	8/12/2022 8:21 PM
101	5	8/12/2022 8:00 PM
102	5	8/12/2022 6:53 PM
103	1	8/12/2022 6:47 PM
104	1	8/12/2022 5:07 PM
105	5	8/11/2022 5:21 PM

Q15 Encourage preservation of privately-owned parcels in the Residential Brisbane Acres (R-BA) zoning district by allowing the development potential of those parcels to be transferred to other sites in the City that are more suitable for residential development (e.g., sites without sensitive habitat, sites with existing street and utility infrastructure, sites near community amenities). (See Draft Housing Element Program 2.G.1)

Answered: 105 Skipped: 21



Total Respondents: 105

#		DATE
1	5	9/28/2022 12:21 PM
2	5	9/28/2022 12:18 PM
3	5	9/28/2022 12:16 PM
4	5	9/28/2022 12:13 PM
5	3	9/24/2022 9:39 AM
6	1	9/23/2022 7:33 PM
7	3	9/23/2022 6:40 PM
8	5	9/22/2022 1:30 PM
9	5	9/20/2022 12:36 PM
10	1	9/20/2022 12:32 PM
11	3	9/20/2022 12:30 PM
12	1	9/19/2022 5:30 PM
13	5	9/19/2022 1:33 PM
14	1	9/14/2022 1:54 PM
15	3	9/14/2022 1:46 PM

Housing Element Survey

8/11/2022 - 9/23/2022

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18	2	9/13/2022 11:26 AM
19	5	9/13/2022 11:23 AM
20	3	9/13/2022 11:22 AM
21	3	9/12/2022 11:17 AM
22	5	9/12/2022 11:12 AM
23	2	9/9/2022 8:04 PM
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29	3	9/8/2022 12:17 PM
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45	4	9/2/2022 11:15 AM
46	1	9/2/2022 11:11 AM
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51	1	8/29/2022 11:51 AM
52	3	8/28/2022 5:46 PM
53	4	8/27/2022 9:36 PM

Housing Element Survey

8/11/2022 - 9/23/2022

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61	5	8/24/2022 2:43 PM
62	5	8/24/2022 2:36 PM
63	3	8/24/2022 2:23 PM
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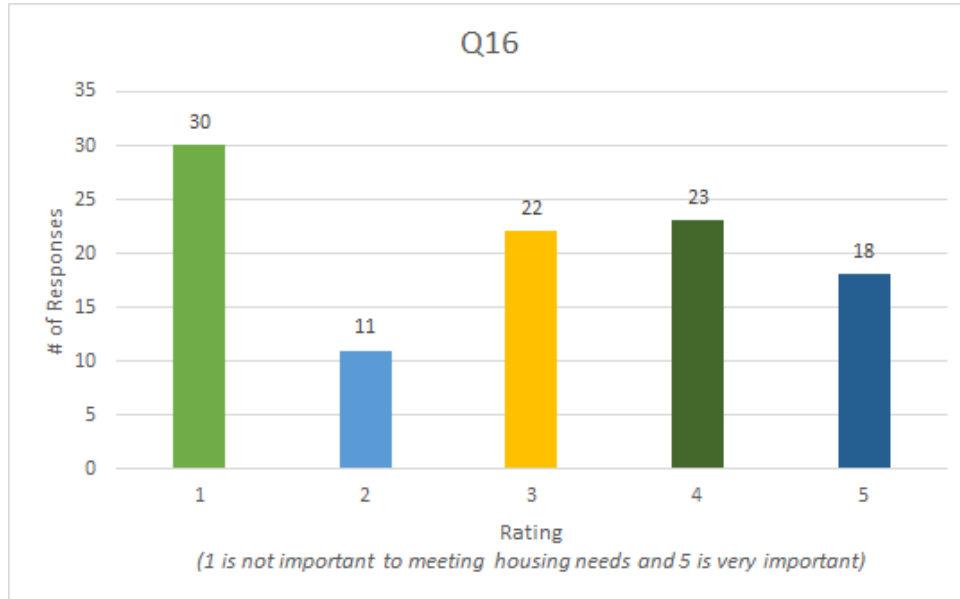
Housing Element Survey

8/11/2022 - 9/23/2022

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103	2	8/12/2022 6:47 PM
104	3	8/12/2022 5:07 PM
105	3	8/11/2022 5:21 PM

Q16 Increase the housing options for low income households with Housing Choice Vouchers in Brisbane by launching an education/outreach campaign targeting landlords/managers. (See Draft Housing Element Program 3.B.1)

Answered: 105 Skipped: 21



Total Respondents: 105

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3	5	9/28/2022 12:16 PM
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9	1	9/20/2022 12:36 PM
10	1	9/20/2022 12:32 PM
11	1	9/20/2022 12:30 PM
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13	5	9/19/2022 1:33 PM
14	1	9/14/2022 1:54 PM
15	3	9/14/2022 1:46 PM
16	5	9/13/2022 11:31 AM
17	3	9/13/2022 11:28 AM

Housing Element Survey

8/11/2022 - 9/23/2022

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20	4	9/13/2022 11:22 AM
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Housing Element Survey

8/11/2022 - 9/23/2022

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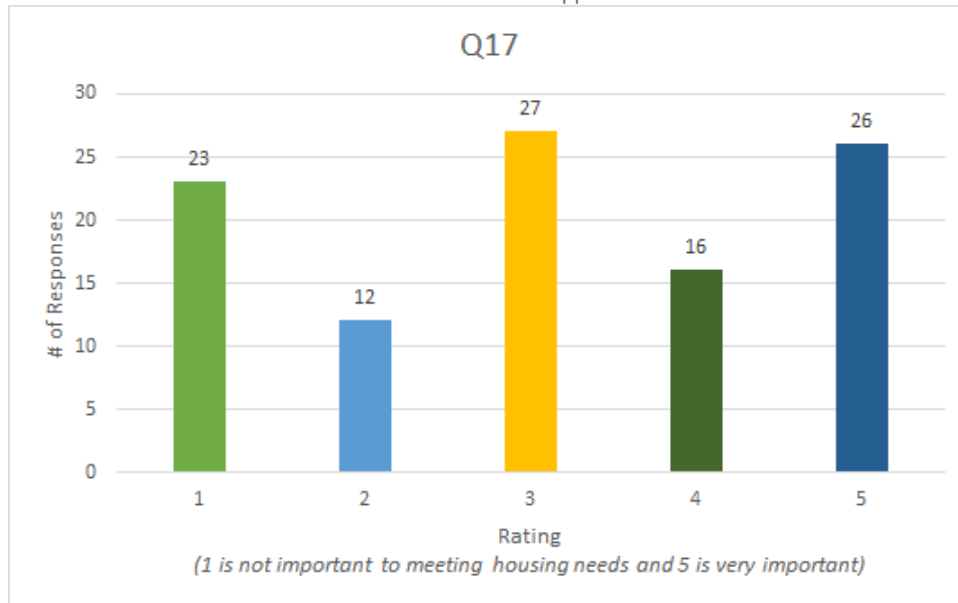
Housing Element Survey

8/11/2022 - 9/23/2022

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101	5	8/12/2022 8:00 PM
102	2	8/12/2022 6:53 PM
103	4	8/12/2022 6:47 PM
104	1	8/12/2022 5:07 PM
105	2	8/11/2022 5:21 PM

Q17 Reduce housing discrimination by providing fair housing training for landlords and tenants, and to provide training on financial literacy and housing counseling services for tenants. (See Draft Housing Element Program 4.A.3)

Answered: 105 Skipped: 21



Total Respondents: 105

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15	3	9/14/2022 1:46 PM
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17	2	9/13/2022 11:28 AM

Housing Element Survey

8/11/2022 - 9/23/2022

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52	3	8/28/2022 5:46 PM
53	1	8/27/2022 9:36 PM
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Housing Element Survey

8/11/2022 - 9/23/2022

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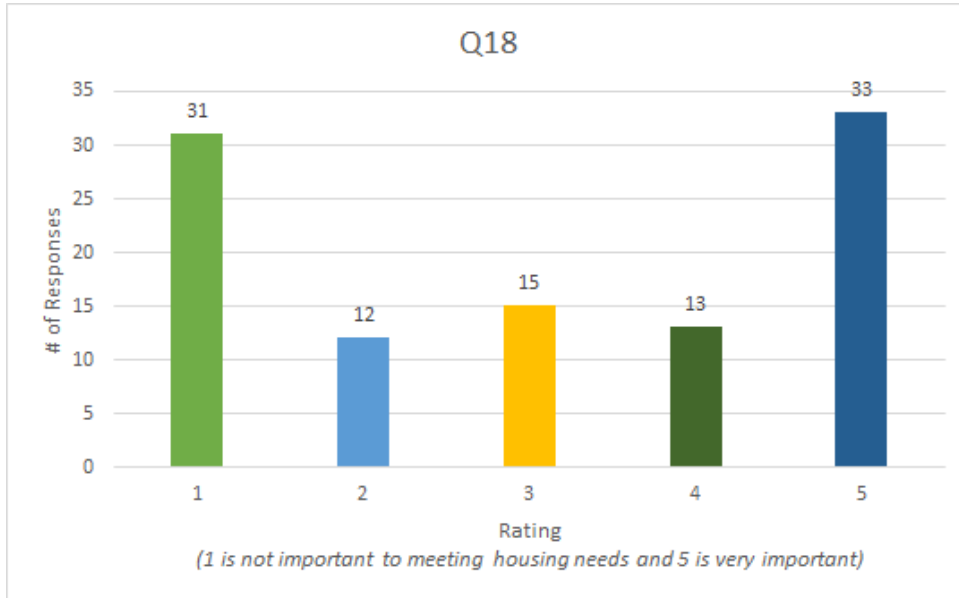
Housing Element Survey

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104	1	8/12/2022 5:07 PM
105	2	8/11/2022 5:21 PM

Q18 Study whether residential rent control provisions State law may be appropriate in Brisbane to help prevent displacement of renters. (See Draft Housing Element Program 4.A.7)

Answered: 105 Skipped: 21



Total Respondents: 105

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18	1	9/13/2022 11:26 AM

Housing Element Survey

8/11/2022 - 9/23/2022

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Housing Element Survey

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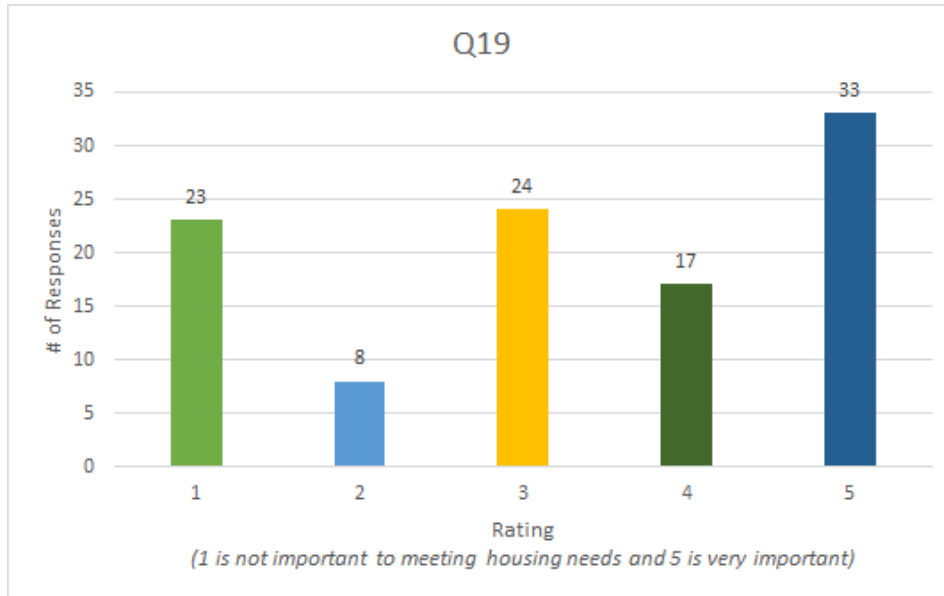
Housing Element Survey

8/11/2022 - 9/23/2022

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98	5	8/13/2022 7:36 PM
99	1	8/13/2022 12:59 AM
100	1	8/12/2022 8:21 PM
101	3	8/12/2022 8:00 PM
102	1	8/12/2022 6:53 PM
103	4	8/12/2022 6:47 PM
104	1	8/12/2022 5:07 PM
105	2	8/11/2022 5:21 PM

Q19 Imposing special fees on new commercial development that the City can use to fund the development of new housing for lower income residents or to help lower income residents stay in their existing housing?

Answered: 105 Skipped: 21



Total Respondents: 105

#		DATE
1	4	9/28/2022 12:21 PM
2	4	9/28/2022 12:18 PM
3	5	9/28/2022 12:16 PM
4	3	9/28/2022 12:13 PM
5	1	9/24/2022 9:39 AM
6	4	9/23/2022 7:33 PM
7	4	9/23/2022 6:40 PM
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9	1	9/20/2022 12:36 PM
10	5	9/20/2022 12:32 PM
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14	1	9/14/2022 1:54 PM
15	1	9/14/2022 1:46 PM
16	5	9/13/2022 11:31 AM
17	3	9/13/2022 11:28 AM
18	5	9/13/2022 11:26 AM

Housing Element Survey

8/11/2022 - 9/23/2022

19	5	9/13/2022 11:23 AM
20	5	9/13/2022 11:22 AM
21	5	9/12/2022 11:17 AM
22	5	9/12/2022 11:12 AM
23	1	9/9/2022 8:04 PM
24	5	9/8/2022 5:19 PM
25	2	9/8/2022 12:31 PM
26	4	9/8/2022 12:29 PM
27	1	9/8/2022 12:22 PM
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49	4	8/30/2022 4:27 PM
50	1	8/30/2022 2:47 PM
51	1	8/29/2022 11:51 AM
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56	2	8/27/2022 4:50 PM

Housing Element Survey

8/11/2022 - 9/23/2022

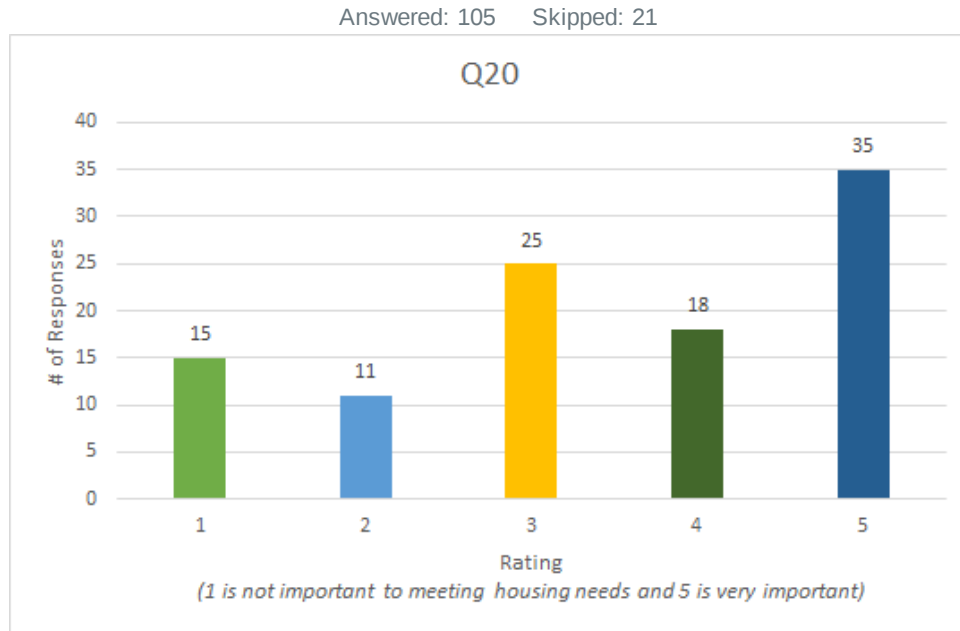
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Housing Element Survey

8/11/2022 - 9/23/2022

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104	1	8/12/2022 5:07 PM
105	1	8/11/2022 5:21 PM

Q20 Fund programs that assist low-income households to manage their utility costs, such as providing low-flow and other water or energy-conserving appliances, and training and counseling on water conservation measures in landscape design. (See Draft Housing Element Program 6.A.3)



Total Respondents: 105

#		DATE
1	3	9/28/2022 12:21 PM
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Housing Element Survey

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Housing Element Survey

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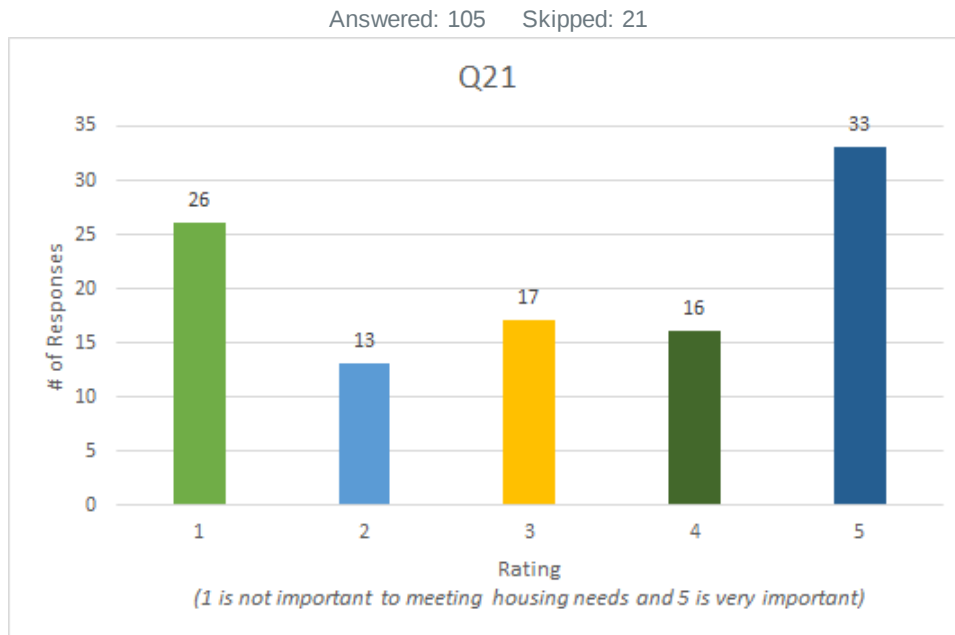
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105	3	8/11/2022 5:21 PM

Q21 Study potential updates to the zoning ordinance to reduce parking requirements for residential developments that provide and/or promote alternative modes of transportation for residents, such as prepaid transit fare cards, rideshare app credits, prepaid memberships to on-demand car rental on-site (e.g., ZipCar), or are in close proximity to high quality transit. (See Draft Housing Element Program 6.A.5)



Total Respondents: 105

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Housing Element Survey

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Housing Element Survey

8/11/2022 - 9/23/2022

Q22 Do you have other housing-related comments?

Answered: 59 Skipped: 67

#	RESPONSES	DATE
1	In regards to the very last question of the survey, parking is a separate issue from proximity to transportation which is important.	9/28/2022 12:21 PM
2	Stop listening to supporting "Old Timers" of Brisbane. You talk the talk- but stop allowing "founders" control who have already demonstrated racism. How many people of color own property here since the 1970s? On the "we look forward to seeing you at future housing Element meetings," not true. You write this to say this- but you allow "long time Founding Families" control. They will never change slow "progress." Delay/deflect/study- so they can stay in control.	9/28/2022 12:13 PM
3	No	9/24/2022 9:39 AM
4	Yes, there are a staggering amount of abandoned houses in substandard condition in Brisbane. Create mechanisms to force improvements or sell to someone who is happy to improve the properties. I did this here in town and would happily do it again to make brisbane a nicer place. Also creating better restaurants and amenities to bring people to town would improve real estate investment.	9/23/2022 7:33 PM
5	Relax requirements on added parking where a homeowner needs to add a (1) bedroom to stay in home	9/23/2022 6:40 PM
6	As far as I understand, Brisbane is short on fulfilling it's housing zoning requirements and I don't see anything happening with the baylands. The fundamental problem with our city, region, state, country and even world is a chronic shortage of housing. There is one simple way to alleviate this problem and that is just to allow housing development. I think it's unconscionable that we continue to make life tough for so many people.	9/22/2022 1:30 PM
7	Please don't copy San Francisco! Credit Card and money management should be taught in Brisbane schools. Also no email Can you send Housing Element Update information to M.C.Kiser at 359 Kings, Brisbane, CA 94005.	9/20/2022 12:36 PM
8	You've had years to produce housing. DO IT!!!!	9/20/2022 12:32 PM
9	no wonder people are leaving town. How dense does our housing have to be? there is no parking anymore.	9/20/2022 12:30 PM
10	We need to build as much new housing as fast as we can manage it. We cannot claim to be for the environment, for diversity & inclusion, or for economic development while continuing to delay development.	9/19/2022 5:30 PM
11	Limit 2 cars per household. No more housing in Brisbane and only 2 children. Send the homeless elsewhere. We don't want Star City to become a homeless encampment. Small houses at Sierra Point or the East side of Tunnel Ave. Move dirt to west side of Tunnel Ave. - For question about increasing housing options for low-income: this is not a low income community. -Reduce Housing discrimination question: I'm proud of our diversity and flags.	9/14/2022 1:54 PM
12	-Parking reqs shouldn't be reduced; we already have a parking problem -quality of life issues and the streets of a densely populated environment should be taken into account	9/13/2022 11:26 AM
13	Homes cost too much!! Can't buy now.	9/13/2022 11:23 AM
14	No	9/9/2022 8:04 PM
15	It seems that there are properties on Visitacion that are underutilized that could be used for housing.	9/8/2022 5:19 PM
16	No rent control. No reduction in off-street parking	9/8/2022 12:31 PM
17	Second half with the questions with the scale were to confusing for me to understand.	9/8/2022 12:22 PM

Housing Element Survey

8/11/2022 - 9/23/2022

18	hard to understand the second part of the questions with the scale.	9/8/2022 12:20 PM
19	Zoning sucks as property line setbacks 400 sq ft restriction which increase code requirements.	9/8/2022 12:17 PM
20	Please expand and build more houses, apartments and condos (no HOAs)	9/6/2022 3:30 PM
21	What about building a D used inside your own house without going out of the footprint?	9/6/2022 2:18 PM
22	I lived here for 36 years, rented all 36 years with a dependent I take care of & now my SSA is less than my rent.	9/2/2022 11:28 AM
23	Study becoming a "Chapter City" to get back more home rule.	9/2/2022 11:15 AM
24	Parking is a frequent issue of concern for Brisbane residents. Only until access to reliable, high-quality transit options is vastly improved for Brisbane should any waivers for parking requirements on new construction even be considered. Separately, out-of-area speculative investment in Brisbane real estate is worthy of further investigation. Anecdotally, walking through town, apparently unoccupied homes are a frequent sight. In some cases, longtime residents sell, then the home remains vacant, sometimes "flipped" and resold, often left untouched and unoccupied. This trend depresses the number of available housing units, exacerbating housing scarcity and prices, while creating unideal neighborhood conditions (fewer "eyes on the street"). Efforts to incentivize or encourage homes to be occupied, by renters or owner-occupants, rather than speculated upon by absentee investors or institutional buyers could alleviate some housing scarcity and support Brisbane continuing to be a vibrant community.	9/1/2022 6:18 PM
25	Get more creative - the city was not planed for 100 year growth. Valley Dr, Crocker Par is where new housing belongs. Move the commercial businesses to the Baylands.	8/30/2022 2:47 PM
26	No	8/29/2022 11:51 AM
27	Yes I do. Why build more housing when California has a severe water shortage? Makes no sense.	8/27/2022 9:36 PM
28	No	8/27/2022 7:22 PM
29	The Bay Area needs much more housing if it intends to address cost and homelessness issues. Also transportation infrastructure etc.	8/27/2022 4:16 PM
30	State mandated RHNA numbers should be summarily dismissed. The problem is not lack of housing, but too many people in the State.	8/27/2022 12:11 PM
31	The City of Brisbane needs to build more housing in the coming years to meet the large demand that the Bay Area will see over the coming decade. With an abundance of economic opportunities and an attractive climate as climate change causes temperature rise outside of Coastal California, Brisbane needs to step-up it's building of affordable and market rate housing to attract a diverse grouping of residents. The City should also focus on transit-oriented development and expanding the non-automobile based transit options in the City to improve sustainability and provide more transportation options to residents.	8/25/2022 4:40 PM
32	I can't believe the existing senior housing has no elevator! Please protect the Lower Acres.	8/24/2022 2:43 PM
33	Do not impose parking permits	8/24/2022 2:36 PM
34	Encourage development of Parkside and we need to develop more senior housing in Brisbane. The wait list for what we have is ridiculous.	8/24/2022 12:48 PM
35	no	8/23/2022 4:40 AM
36	Water and energy conserving appliances are a great start, but I would love to see us leveraging passive house building techniques, in tandem with efficient all electric appliances, paired with on site solar generation and storage for this type of development. Especially for low income families its hard enough to make ends meet in the Bay Area as it is. It would be great to see the city making strides on affordable housing as we also make these residences as self sufficient as possible – aggressively reducing or largely eliminating a majority of utility bills for our most vulnerable residents.	8/22/2022 6:13 PM
37	There are many houses in Brisbane that have been sitting empty for years such as 125 San Bruno Ave, 213 Visitacion, 128 Alvarado St., and so many others. Efforts to get existing yet empty housing available for purchase or rent should be the #1 priority. Whether through	8/22/2022 3:20 PM

Housing Element Survey

8/11/2022 - 9/23/2022

incentives or penalties, the city should be working with the property owners to make these empty houses available. This should happen before any new construction, zoning changes, or other programs are considered.

38	None	8/21/2022 4:33 PM
39	The vast majority of the proposed housing is not affordable to anyone who does not work in the tech sector and is not intended for people like teachers, police officers, firefighters, nurses, retail workers, and everyone else who keeps society working. Until the problem of affordability is addressed on a large scale (and not just, say, 10-15% of proposed housing units), the proposed housing will resolve none of the existing problems. And in fact, many of the tech companies have either left the San Francisco Bay Area or have downsized their staffing here (Tesla, Hewlett Packard, Oracle, Airbnb, Uber, Salesforce, Twitter, and many others) which has left vacant a huge amount of office space in San Francisco which could be converted to living space to address the new post-pandemic reality. And that utilization of vacant office space should be the objective now, not tiny homes/ADUs/etc.	8/21/2022 2:05 PM
40	not at this time	8/20/2022 2:43 PM
41	Regarding the question about whether I work in Brisbane, I said yes because I work from home, however my employer is not located in Brisbane. The question wasn't too clear. Parking requirements should not be reduced for new construction (with the possible exception of certain ADUs), regardless of how many incentives there are to take public transportation, because residents will still have cars that they park at home when they commute to work, especially if they live walking distance to a bus/train station.	8/20/2022 12:05 AM
42	We need to build apartments, not ADUs	8/19/2022 7:03 PM
43	Do not plan for housing on San Bruno Mountain. There is no entitlement that says everyone should be able to afford live, everywhere, anytime. Government helps affordability with right policies, but does not cancel out market forces.	8/19/2022 5:05 PM
44	No	8/18/2022 9:19 PM
45	this city needs to look into homes in Brisbane with 7 or more cars blocking the streets near them and using their garage space for an auto work shop	8/18/2022 7:40 PM
46	There are several "fallow" lots around Brisbane - sites that remain unoccupied for > 5 years - that could be developed. Also, space for parking cars is a big limitation given existing street widths.	8/18/2022 6:18 PM
47	A penalty structure should be imposed on homes that are kept vacant by the owner or some other mitigation effort to prevent investors to buy properties here and keep them vacant.	8/18/2022 1:20 PM
48	Rent control is covered already by CA State law - we don't need another rent control law for Brisbane. Yes, lower restrictions/requirements for tiny homes, small ADU's, etc. The new restrictions on homeowner short-term rentals (SRO's) have pushed us out of the ability to make money from our house when we are on vacation - this has made it harder to afford to live here.	8/18/2022 1:03 PM
49	There isn't much the City can do to control the cost of buying a home, but anything the City can do to control rent gouging would be helpful.	8/18/2022 6:54 AM
50	Do NOT reduce parking provision requirements, but yes look at zipcar or transit pass or rideshare. Multiunit dwellings MUST provide own underground parking. I'd look at an accessory unit but one bad scofflaw unevictable tenant can destroy your home and multiple years of rents. Scary.	8/15/2022 8:39 PM
51	We've built way to much in Brisbane for parking and eliminated convenient public transportation to make it easier to ride Muni, SamTrans or the Train. Brisbane needs a convenient Cal Train Station at the parkinglot or a reliable form of local transportation. The existing buses are not reliable	8/15/2022 12:30 PM
52	While I understand that it is hard to escape development, I'd love Brisbane to remain Brisbane na for it to preserve as much nature and habitats as possible.	8/15/2022 11:35 AM
53	Provide education on how to decrease housing expenses to ALL Brisbane residents, not just low income.	8/13/2022 11:47 PM
54	I have been renting in Brisbane since 2009, since then my rent has increased 120%. I think	8/13/2022 7:36 PM

Housing Element Survey

8/11/2022 - 9/23/2022

rent control will help a low income people, that every year has to find a second job or share the apart. to be able to cover monthly expenses. Affordable housing for people who work hard, but not able to buy a home.

55	With increased population we also need to consider increased needs of school resources, public recreational areas and parking. There's been some contradictory elements in the past that if we're planning for increasing housing and population, maybe we shouldn't have reduced the public parking availability on the commercial streets. Please consider these elements as we increase housing as per California state requirements. We should also try to avoid extreme high density housing to maintain the culture and community of Brisbane.	8/13/2022 12:59 AM
56	We all like Brisbane as it is, we don't want a metropolis with hoards of people creating crowded and unsafe streets. I am thankful to live here.	8/12/2022 8:21 PM
57	Mo	8/12/2022 6:53 PM
58	I believe we should allow the badlands project to move forward. This project would really help the housing issues for Brisbane as required for the state	8/12/2022 6:47 PM
59	Build more housing in central Brisbane! It is unacceptable that it is majority single family homes. Allow more dense development in a good part of the peninsula. Development on or near Baylands is toxic and is not a great solution.	8/11/2022 5:21 PM

draft
RESOLUTION 2022-XX
A RESOLUTION OF THE BRISBANE CITY COUNCIL
TO FORWARD THE DRAFT 2023-2031 HOUSING ELEMENT TO THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
FOR REVIEW

WHEREAS, a draft 2023-2031 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 25, 2022, the Planning Commission held a public hearing on updating the 2015-2022 Housing Element, recommending that the City Council forward the draft 2023-2031 Housing Element to the Department of Housing and Community Development; and

WHEREAS, the City Council held a public hearing on the draft 2023-2031 Housing Element on October 6, 2022, and considered the testimony presented, public comments provided 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 2023-2031 Housing Element be forwarded to the California Department of Housing and Community Development for review and comment.

COLEEN MACKIN, Mayor

I hereby certify that the foregoing Resolution 2022-XX was duly and regularly adopted at a regular meeting of the Brisbane City Council on October 6, 2022, by the following vote:

AYES:

NOES:

INGRID PADILLA, City Clerk

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: Commissioners Gooding, Lau, Patel and Sayasane

NOES: None

ABSENT: Funke



SANDIP PATEL

Chairperson

ATTEST:



JOHN A. SWIECKI

Community Development Director

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of August 25, 2022
Virtual Regular Meeting

CALL TO ORDER

Chairperson Patel called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners, Gooding, Lau, Patel, and Sayasane
Absent: Commissioner Funke
Staff Present: Director Swiecki, Senior Planner Johnson, and Senior Planner Ayres

ADOPTION OF AGENDA

A motion by Commissioner Gooding, seconded by Commissioner Sayasane to adopt the agenda. Motion approved 4-0.

CONSENT CALENDAR

There were no items on the consent calendar.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Patel acknowledge [three letters were received](#) pertaining to agenda item A.

PUBLIC HEARING

- A. **Citywide; General Plan Amendment 2022-GPA-1; 2023-2031 Housing Element Update;** City of Brisbane, applicant

Senior Planners Johnson and Ayres gave a presentation on the draft 2023-2031 Housing Element that was published on August 8, 2022 for a 30-day public comment period. They highlighted how to view and comment on the draft Housing Element. They noted that a public hearing at City Council is scheduled for early October and that a Housing Element Survey is available until September 23, 2022, to solicit feedback on various programs found within the draft Housing Element.

Chairperson Gooding opened the public hearing.

Tony Lavaysse, spoke in favor of area labor standards for construction workers.

Prem Lall, Brisbane resident, spoke about the importance of considering climate change impacts on the location of new housing.

With no one else wishing to address the Commission, a motion by Chairperson Patel, seconded by Commissioner Gooding to close the public hearing was approved 3-0. (Commissioner Lau lost connection momentarily.)

After deliberation, a motion by Commissioner Gooding, seconded by Commissioner Lau, to recommend the City Council submit the draft Housing Element to HCD for review via adoption of Resolution 2022-GPA-1 was approved 4-0.

ITEMS INITIATED BY STAFF

Director Swiecki encouraged the Commissioners of to attend the in-person Planning Commissioner training provided by the Institute for Local Government (ILG) in October 2022 and informed them that the California High Speed Rail Authority approved the EIR for the San Francisco to San Jose segment.

ITEMS INITIATED BY THE COMMISSION

Commissioner Gooding recommended his peers attend the in-person Planning Commissioner training and that he will be attending.

ADJOURNMENT

Chairperson Patel declared the meeting adjourned to the next regular meeting of September 8, 2022 at approximately 8:10 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.



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

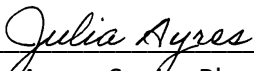
Housing Element review process, staff expects to have at least two review cycles with HCD prior to certification.

ATTACHMENTS

- A. ~~Draft Resolution 2022-GPA-1~~ **Superseded. See Signed Resolution Attachment 4**
- B. ~~Draft 2023-2031 Housing Element (hyperlink)~~ **Superseded. See Attachment 1 link**
- 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