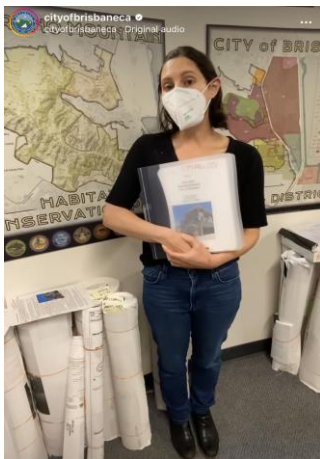


APPENDIX E - PUBLIC PARTICIPATION

Government Code Section 65583(c)(8) requires the City to “make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element.” In order to meet this requirement, the City undertook various means of gaining community input on the 2023-2031 Housing Element. A number of events were offered to the public through both our participation in the Countywide 21 Elements collaborative and through the Planning Commission or City Council as study sessions and workshops, from early 2021 through July 2022, leading up to the preparation and publication of the draft Housing Element in August 2022. All workshops and meetings prior to February 2023 were held virtually and were available to participate or view live, or view after the event, due to COVID-19 restrictions. However, the City did provide numerous in-person engagement opportunities in 2022 as in-person community events gradually resumed.



1 City staff tabling at the Farmer's Market



32 Still from social media video post



23 Staff tabling at the Brisbane Library

Public Review of Draft Element and AB 215 Compliance

The draft Housing Element was made available to the public for comment, consistent with Government Code Section 65585(b)(1) (AB 215, Statutes of 2021), for more than 30 days, through the City's Housing Element webpage and as a paper copy at City Hall and the City's Library. All public comments received on the Draft Element were considered by the City Council at a public hearing on October 6, 2022, more than 10 days after closure of the formal 30-day public comment period, and have been incorporated into the Element (see Attachments E.1 and E.2). Additionally, responses to a community survey regarding noteworthy Housing Element policies and programs were considered by the Council at the October 6 hearing and are incorporated into the Element (see Attachment E.3).

Following receipt of comments on the first draft of the Element from the State Department of Housing and Community Development (HCD), the Planning Commission held a virtual public hearing to recommend adoption and certification of the draft Element, as revised following Council's subsequent review, on January 12, 2023. Subsequently, a revised draft of the Element containing redlined revisions addressing HCD comments was posted on the City's website on January 27, 2023. The City Council considered the revised draft Element at a hybrid public meeting on February 2, 2023, submitted written testimony, and took verbal testimony. The

Council voted to adopt the Element and certify its compliance with State law per Appendix F of the Element. The revised Element remained on the City website for more than seven days after it was posted before the revised Element was submitted to HCD on February 7.

Following the City Council’s adoption of the Housing Element on February 2, 2023, the Element was submitted to HCD. On April 5, 2023, HCD provided additional comments to be addressed prior to their certification. HCD’s April 5 comment letter along with the redlined edits were posted for the public review and comment on the City’s website, emailed to the interested parties list and posted on the City’s social media platforms on May 5. Paper copies of these materials were also made available at City Hall and at the Brisbane Library on May 8. This was more than 7 days prior to City Council’s public hearing on May 18 on the proposed revision to Housing Element and the subsequent resubmittal to HCD for state certification, consistent with the Gov’t Code.



4 Staff and Planning Commissioners tabling at Day in the Park

The following provides an outline of events and public surveys.

Public Participation, Outreach, Education Events and Surveys

Date	Host	Event Title and Format	Outreach
3/25/21	Brisbane Planning Commission	Planning Commission - Housing Element Introductory Workshop. Livestreamed via: YouTube, City Website link and Local City TV Broadcast Channel 27.	City’s physical posting places (City Hall, Library, Mission Blue Center) Marquee Sign Boards at the Community Park/Old County Road and Mission Blue Drive and Monarch Drive. City’s Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the City’s YouTube channel and website to continue to be available to the public.
4/01/21	STAR Article	“Housing Element Update	City of Brisbane Monthly



Date	Host	Event Title and Format	Outreach
		News”	Newsletter, mailed to all residents and business addresses in Brisbane and published on the City’s website. STAR Newsletter Archive City of Brisbane (brisbaneca.org)
4/13/21	Countywide, 21 Elements	Housing Element introductory meeting with an individual city-focused breakout room to discuss the process.	April STAR Article. City’s Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the 21 Elements Let’s Talk Housing website and link from the City’s Housing Element Update webpage, to continue to be available to the public.
4/22/21	Countywide, 21 Elements	Let’s Talk Housing: All About RHNA, A deeper dive into the Regional Housing Needs Allocation (RHNA) process.	April STAR Article. City’s Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the 21 Elements Let’s Talk Housing website and link from the City’s Housing Element Update webpage, to continue to be available to the public.
10/13/21	Countywide, 21 Elements	Why Affordability Matters Why are our housing prices so high, and how did we get here? What does “housing affordability” mean? How is it measured? Who needs affordable housing?	City’s Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the 21 Elements Let’s Talk Housing website and link from the City’s Housing Element Update webpage, to continue to be available to the public.
10/27/21	Countywide, 21 Elements	Housing and Racial Equity Why does where you live matter? Why are our neighborhoods segregated, even though our communities are diverse? What can we do to create more inclusive and equitable communities?	City’s Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the 21 Elements Let’s Talk Housing website and link from the City’s Housing Element Update webpage, to continue to be available to the public.
11/10/21	Countywide, 21 Elements	Housing in a Climate of Change How can we create more housing given water	City’s Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor).

Date	Host	Event Title and Format	Outreach
		shortages and greenhouse gas emissions? How does more housing *reduce* emissions?	Recorded and retained on the 21 Elements Let's Talk Housing website and link from the City's Housing Element Update webpage, to continue to be available to the public.
12/01/21	STAR Article	"Housing Element Update News"	City of Brisbane Monthly Newsletter, mailed to all residents and business addresses in Brisbane and published on the City's website.
12/01/21	Countywide, 21 Elements	Putting it all Together for a Better Future Where do we have space to create new housing choices? How do we promote design excellence in new buildings and new communities?	December STAR Article. City's Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the 21 Elements Let's Talk Housing website and link from the City's Housing Element Update webpage, to continue to be available to the public.
12/8/21 - 2/6/22	Balance Brisbane	Online Survey created by Balancing Act and Brisbane Planning staff, provided to the public through Brisbane's dedicated Housing Element Update webpage to gather Brisbane specific public input on potential housing sites for rezoning. (See Attachment E.1, Balance Brisbane Summary Report)	December STAR Article. Marquee Sign Boards at the Community Park/Old County Road and Mission Blue Drive and Monarch Drive. City's Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Email blast to Planning Commission/Housing Element mailing list. Program available in English and Chinese.
12/16/21	Brisbane Planning Commission	Workshop: Demographics, Housing Needs and Introduction to the Balancing Act Tool. Guest speaker, ECONorthwest, consultant on the Affordable Housing Strategic Plan. <i>Meeting Packet</i>	December STAR Article. City's physical posting places (City Hall, Library, Mission Blue Center) Marquee Sign Boards at the Community Park/Old County Road and Mission Blue Drive and Monarch Drive. City's Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the City's YouTube channel and website to continue to be available to the public.



Date	Host	Event Title and Format	Outreach
			<p>Email blast to Planning Commission/Housing Element mailing list.</p> <p>Flyer mailer to multi-family residential addresses.</p>
12/21 - 1/31/22	AFFH Survey (See Appendix C3.)	Online Survey: Countywide Fair Housing Survey by Root Policy on discrimination regarding access to housing.	<p>January STAR Article.</p> <p>City's physical posting places Marquee Sign Boards at the Community Park/Old County Road and Mission Blue Drive and Monarch Drive.</p> <p>City's Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor).</p> <p>Email blast to Planning Commission/Housing Element mailing list.</p>
1/22	STAR Article	"Housing Element Update News"	City of Brisbane Monthly Newsletter, mailed to all residents and business addresses in Brisbane and published on the City's website.
1/27/22	Brisbane Planning Commission	<p>Workshop: Balance Brisbane update, Review of Performance from the 2015-2022 Housing Element, Overview of Affirmatively Furthering Fair Housing.</p> <p><i>Meeting Packet</i></p>	<p>January STAR Article.</p> <p>City's physical posting places (City Hall, Library, Mission Blue Center) Marquee Sign Boards at the Community Park/Old County Road and Mission Blue Drive and Monarch Drive.</p> <p>City's Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor).</p> <p>Recorded and retained on the City's YouTube channel and website to continue to be available to the public.</p> <p>Email blast to Planning Commission/Housing Element mailing list.</p>
2/22	STAR Article	"Housing Element Update News"	City of Brisbane Monthly Newsletter, mailed to all residents and business addresses in Brisbane and published on the City's website.
2/10/22	Brisbane Planning Commission	Workshop: Balance Brisbane update, Housing Needs and Rules to Meet the RHNA and Constraints to Housing.	<p>February STAR Article.</p> <p>City's physical posting places (City Hall, Library, Mission Blue Center) Marquee Sign Boards at the Community Park/Old County</p>

Date	Host	Event Title and Format	Outreach
		<i>Meeting Packet</i>	Road and Mission Blue Drive and Monarch Drive. City's Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the City's YouTube channel and website to continue to be available to the public. Email blast to Planning Commission/Housing Element mailing list.
2/24/22	Brisbane Planning Commission	Workshop: Selection of Housing Sites for Rezoning <i>Meeting Packet</i>	February STAR Article. City's physical posting places (City Hall, Library, Mission Blue Center) Marquee Sign Boards at the Community Park/Old County Road and Mission Blue Drive and Monarch Drive. City's Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the City's YouTube channel and website to continue to be available to the public. Email blast to Planning Commission/Housing Element mailing list.
3/22	STAR Article	"Housing Element Update News"	City of Brisbane Monthly Newsletter, mailed to all residents and business addresses in Brisbane and published on the City's website.
3/10/22	Brisbane Planning Commission	Workshop: Goals, Policies and Programs. <i>Meeting Packet</i>	March STAR Article. City's physical posting places (City Hall, Library, Mission Blue Center) Marquee Sign Boards at the Community Park/Old County Road and Mission Blue Drive and Monarch Drive. City's Social Media Outlets (Facebook, Twitter, Instagram and Nextdoor). Recorded and retained on the City's YouTube channel and website to continue to be available to the public. Email blast to Planning

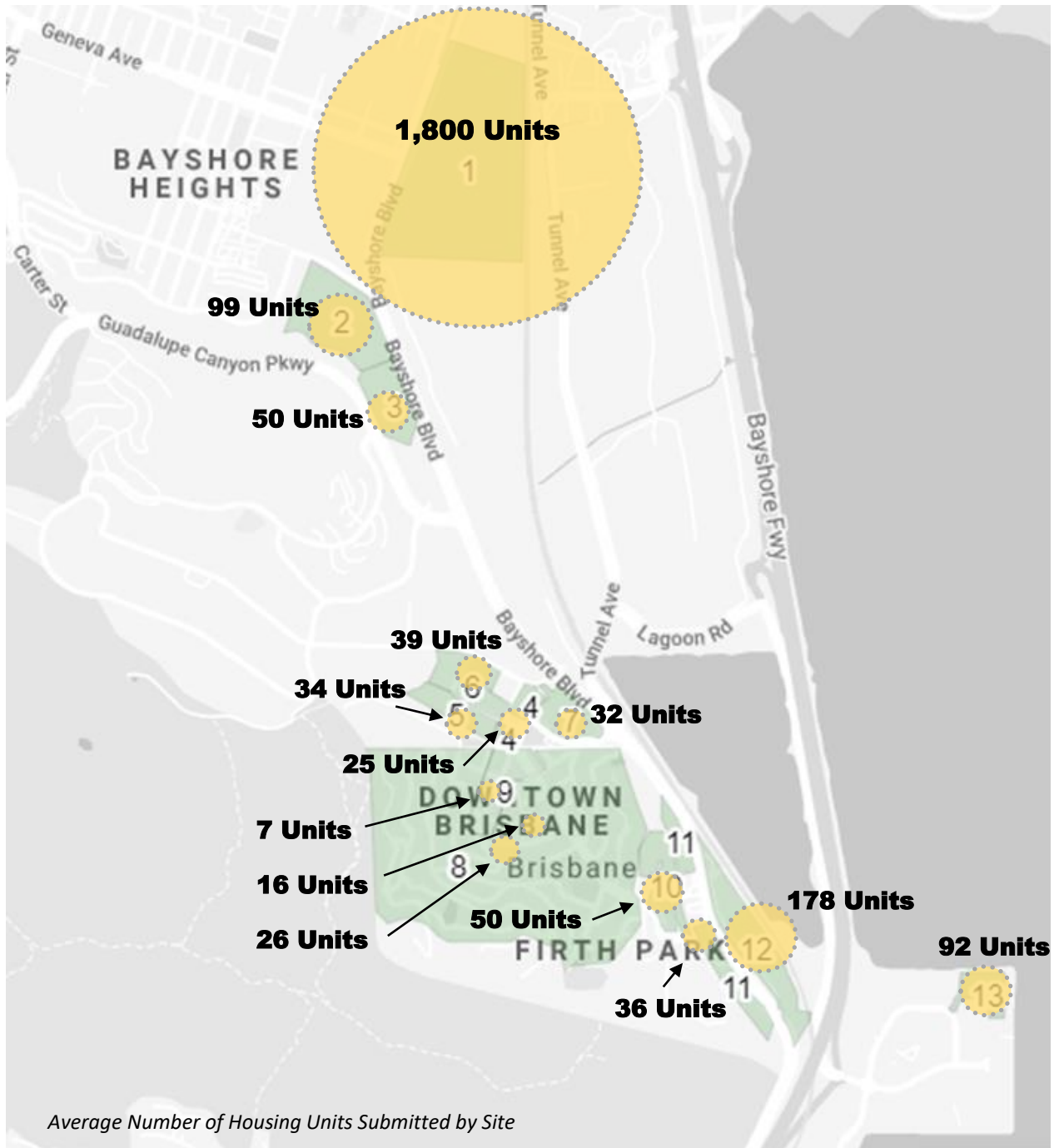


Date	Host	Event Title and Format	Outreach
			Commission/Housing Element mailing list.
4/22	STAR Article	“Housing Element Update News”	City of Brisbane Monthly Newsletter, mailed to all residents and business addresses in Brisbane and published on the City’s website.
5/22	STAR Article	“Housing Element Update News”	City of Brisbane Monthly Newsletter, mailed to all residents and business addresses in Brisbane and published on the City’s website.
7/28/22	Planning Commission	Workshop: Preliminary Draft Goals, Policies, and Programs Meeting Packet	Farmer’s Market tabling 7/14 and 7/28/22; Signboard; Weekly BLAST 7/15 and 7/22; Housing Element email notification 7/19/22; Housing Element webpage; Facebook, Nextdoor, and Instagram posts
8/8/22	N/a	Publication of Public Draft Housing Element	September 2022 STAR; Farmer’s Market tabling 8/4/22, 8/18/22,8/25/22, 9/8/22; Signboards; Weekly BLAST 8/12-9/8/22; Housing Element email notification 8/12/22 and 9/8/22; Housing Element webpage; Facebook, Nextdoor and Instagram posts; Citywide mailer to multi-family units; HOA emails; engagement with community groups (Lion’s Club, Mother’s of Brisbane, Brisbane Village Helping Hands, Sunshine Senior Room)
8/11/22	Planning Commission	Workshop: Overview of Draft Housing Element Meeting Packet	Farmer’s Market tabling 8/4/22; Signboard; Housing Element webpage; Facebook, Nextdoor, and Instagram posts
8/11/22-9/23/22	N/a	Community survey (online and hard copy)	Weekly BLAST 8/12/22-9/23/22, September STAR, Farmers Market Tabling 8/18/22, 8/25/22, 9/8/22; Display at Brisbane Library (QR code)
8/25/22	Planning Commission	Public Hearing Meeting Packet	Farmer’s Market tabling 8/18/22 and 8/25/22; Signboards; Weekly BLAST 8/19/22; flyer mailer to multi-family residential addresses; Housing Element email notification 8/12/22 and 8/19/22; Housing Element webpage; Facebook, Nextdoor,

<i>Date</i>	<i>Host</i>	<i>Event Title and Format</i>	<i>Outreach</i>
			and Instagram posts
8/31/22	Planning Staff	“Coffee with a Planner” at Brisbane Library- informal drop-in conversations about the Draft Housing Element	Facebook, Nextdoor, and Instagram posts; Weekly BLAST 8/26/22
9/1/22	STAR Article	Draft Housing Element Public Comment period reminder and community survey	September STAR (mailed to every household)
10/1/22	Planning Staff	“Day in the Park” community event; information booth on Housing Element and planning projects	September STAR; Signboards; Weekly BLAST emails September 2022; Facebook, Nextdoor, and Instagram posts;
10/6/22	City Council	Public Hearing <i>Meeting Packet</i>	Signboards; Weekly BLAST 9/23/22 and 9/30/22; Housing Element email notification 9/27/22; flyer mailer to multi-family residential addresses; Facebook, Nextdoor, and Instagram posts; Housing Element webpage
1/12/2023	Planning Commission	Public Hearing <i>Meeting Packet</i>	January STAR article, 1/6/23 Housing Element email notification, 1/6/23 Weekly BLAST
2/2/2023	City Council	Public Hearing <i>Meeting Packet for Housing Element self-certification and adoption</i>	February STAR article, 1/20/23 and 1/30/23 Housing Element email notifications, Instagram and Facebook posts, Housing Element webpage
<u>5/18/2023</u>	<u>City Council</u>	<u>Public Hearing Meeting Packet for Public Hearing on draft revision to the Housing Element, adopted February 2, 2023</u>	<u>In advance of City Council’s meeting packet for 5/18/23, posting and distribution of HCD’s 4/5/23 comment letter and redlined excerpts showing proposed revisions to the Element, via Housing Element update webpage, email notifications to Housing Element list, Nextdoor, Instagram and Facebook pages, all completed on 5/5/23. Paper copies of the same materials placed at City Hall and Brisbane Library on 5/8/23.</u>



BALANCE BRISBANE SUMMARY REPORT



Key:

- | | | |
|-------------------------------|---|--|
| 1. Baylands (Northwest) | 5. Parkside PAOZ-2 (Parkside) | 10. Lower Thomas Hill (Lower Acres) |
| 2. Levinson (Guadalupe Hills) | 6. Parkside PAOZ-2 Extension (Parkside) | 11. Southwest Bayshore (SW) |
| 3. Peking (Guadalupe Hills) | 7. Parkside PAOZ-3 (Parkside) | 12. Southeast Bayshore (SE) aka Former VWR |
| 4. Parkside PAOZ-1 (Parkside) | 8. Central Brisbane (SFD/MFD/ADU) | 13. Marina (Sierra Point) |
| | 9. Visitacion Ave (Central Brisbane) | |

Quick Stats:

- Simulation tool launched at the beginning of December 2021 and closed February 6, 2022
- Available in English and Simplified Chinese
- Nearly 450 page views
- 54 Submissions
- Participants spent, on average, 6 minutes using the tool
- The Baylands planning area was identified as a housing site on 88% of submissions

Planning Subareas vs. Sites

Balance Brisbane included 13 sites, as seen on the map, that may have been a collection of one or more individual parcels, categorized by a planning area correlating with the planning areas identified within the General Plan. For example, the Guadalupe Hills planning area includes 2 sites that encompass a single parcel each - Levinson and Peking – while the Parkside planning area includes 4 sites which each comprise multiple parcels. Refer to Table 1 for the classification of sites and planning areas.

<i>Planning Area</i>	<i>Site</i>
<i>Baylands</i>	Northwest (NW)
<i>Central Brisbane</i>	Single and Multifamily (SFD/MFD)
	Visitacion Ave
<i>Guadalupe Hills</i>	ADUs
	Levinson
<i>Parkside</i>	Peking
	PAOZ-1
	PAOZ-2
	PAOZ-2 Extension
<i>Sierra Point</i>	PAOZ-3
	Marina
<i>South Bayshore Blvd</i>	Southwest Bayshore (SW)
	Southeast Bayshore (SE) <i>aka Former VWR</i>
<i>Lower Brisbane Acres</i>	Lower Thomas Hill

Table 1: Sites by Planning Area

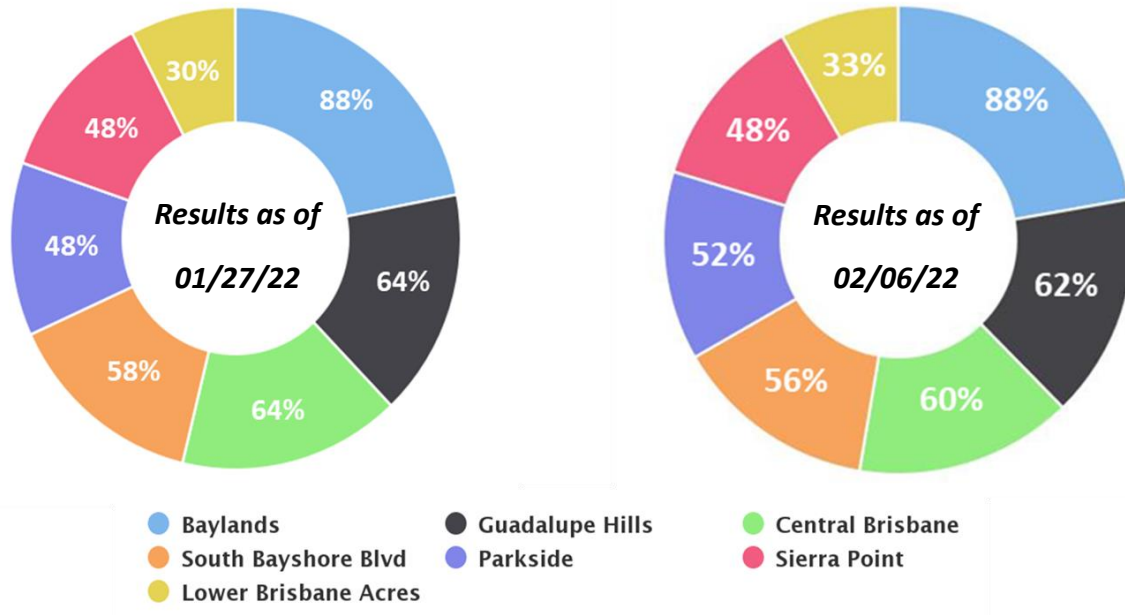
Simulation Results:

Figure 1 represents the percentage of all submissions that identified housing for each planning area. For example, of the 54 submissions, 88 percent (about 47) selected the Baylands as a site that could accommodate housing units mandated by the State during the upcoming 2023-31 Housing Element cycle. The remaining planning areas, excluding the Lower Brisbane Acres, were identified to accommodate some housing on the majority of the submissions as well, with the Sierra Point, Parkside, South Bayshore Boulevard, Central Brisbane, and Guadalupe Hills planning areas receiving housing units on 48-62 percent of the submissions.



Figure 1: Percentage of submissions that identified housing by planning area in January and at close in February.

PERCENTAGE OF SUBAREAS IDENTIFIED FOR HOUSING BY SUBMISSION



However, while the submissions showed participants indicated housing could be accommodated within multiple planning areas throughout the City, the quantities of housing units they submitted, excluding those on the Baylands, was fairly low. Figure 2 illustrates the average number of housing units allocated by site. The Baylands received by and far the most average number of housing units. This is in part because [Measure JJ](#) allows between 1,800 and

AVERAGE HOUSING UNIT ALLOCATION BY SITE

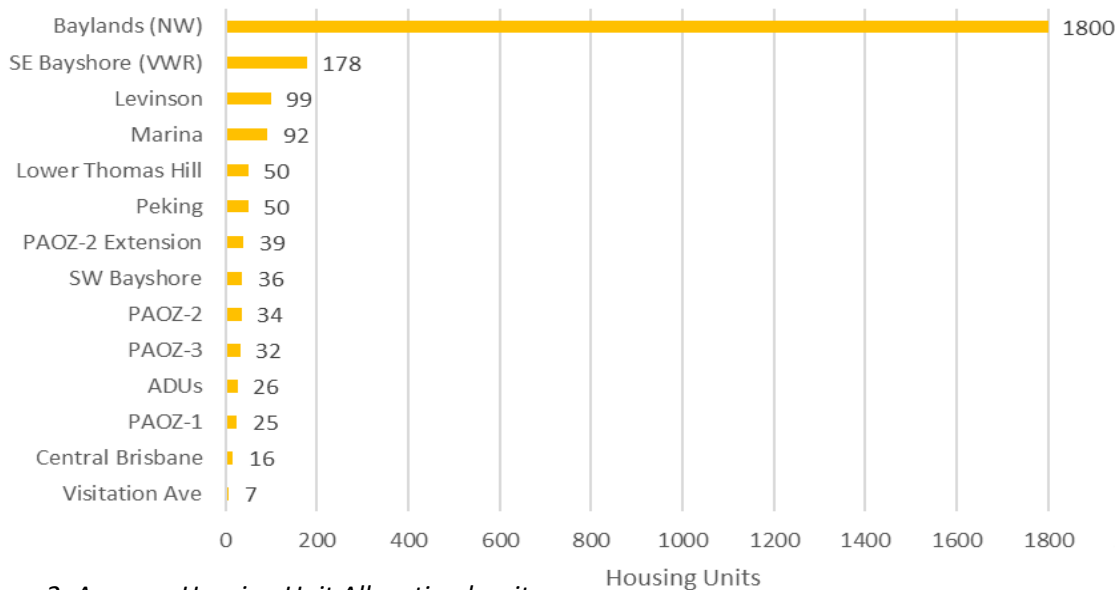


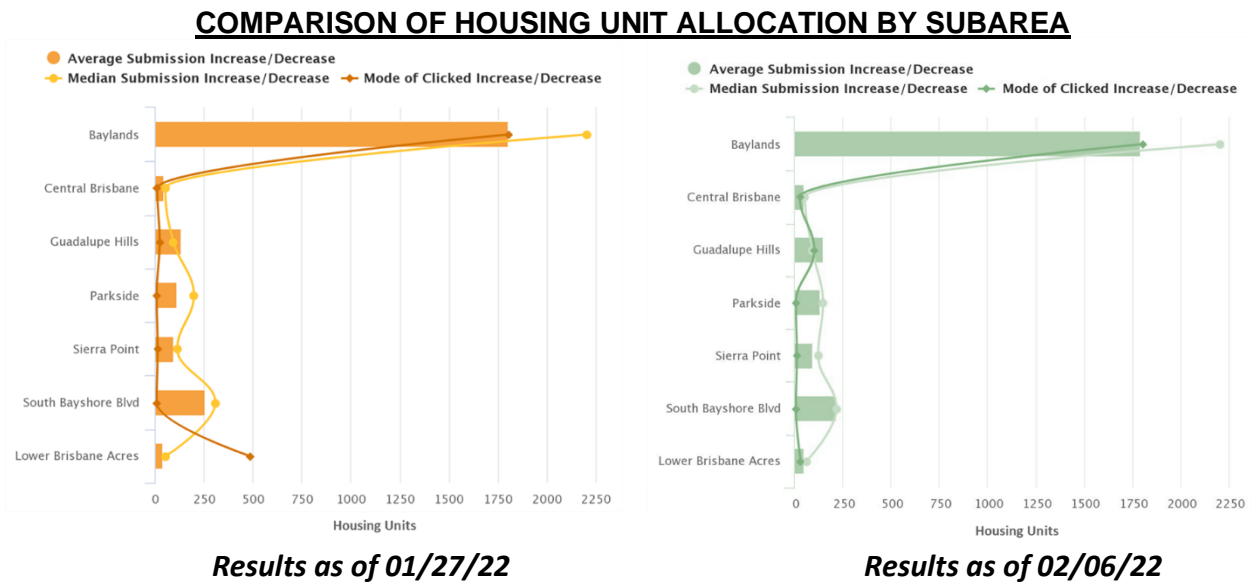
Figure 2: Average Housing Unit Allocation by site.

2,200 housing units to be developed within the northwest quadrant of the site and the simulation did not allow users to select fewer units, unless they decided no units would be constructed on the Baylands due to the Specific Plan not being adopted in time. Figure 3, shows the average, median, and mode of all submission, by planning area in January and at close; there was very little difference between the January snapshot and at close.

Table 2 provides a more detailed breakdown of Figure 2, the average number of housing units allocated by site. The table indicates the lowest, highest, and average number of housing units submitted for each site within the planning areas.

As indicated previously, nearly all submissions allocated housing units to the Baylands; only 4 submissions allocated zero housing units to the Baylands. It could also accommodate nearly all of Brisbane’s Regional Housing Needs Allocation (RHNA) if the Specific Plan is adopted within the statutory deadline prescribed under State law. Should the Baylands not accommodate any of Brisbane’s RHNA, Table 3 shows the lowest, highest, and average number of housing units of the 4 submissions that allocated zero units to the Baylands.

Figure 3: Housing Unit Allocation by subarea in January 2022 and at close in February.



Tables 2 and 3 also indicate if the average number of housing units submitted per site could qualify as accommodating affordable housing. To qualify under State law, the minimum density of a site must be 20 dwelling units per acre (DU/AC) in order to be claimed as affordable. As shown in Table 2, no sites other than the Baylands could be classified as affordable using the average number of housing units from the submissions. However, when only considering the submissions that excluded the Baylands, Table 3, 4 sites could be classified as affordable at the densities preferred by respondents.



Table 2: Low, High, and Average Number of Housing Units Allocated by Site and Affordability

SITE	Amount Submitted			Gross		Net		Qualifies as affordable?
	Low	High	Average	Acres	DU/AC	Acres	DU/AC	
BAYLANDS (NW)	0	2,200	1,800	55	32.73			Yes
CENTRAL BRISBANE	0	104	16	8.95	1.79			No
VISITATION AVE	0	25	7	0.81	8.64			No
ADUS	0	122	26	NA	NA			*
LEVINSON	0	940	99	21.95	4.51	10.98	0.41	No
PEKING	0	350	50	9.37	5.34	2.81	1.90	No
PAOZ-1	0	105	25	2.36	10.59			No
PAOZ-2	0	190	34	6.85	4.96			No
PAOZ-2 EXTENSION	0	250	39	8.96	4.35			No
PAOZ-3	0	260	32	7.85	4.08			No
MARINA	0	760	92	6.51	14.13			No
SW BAYSHORE	0	195	36	12.03	2.99			No
SE BAYSHORE (VWR)	0	1,050	178	17.5	10.17			No
LOWER THOMAS HILL	0	480	50	9.6	5.21			No
TOTAL			2,484					
EXCLUDING BAYLANDS			684					

* 60% OF ADU PRODUCTION COULD QUALIFY AS AFFORDABLE PER THE CENTER FOR COMMUNITY INNOVATION, OR 16 ADUS

Table 3: Low, High, and Average Number of Housing Units Allocated by Site and Affordability – for submissions that allocated zero housing units to the Baylands

SITE	Amount Submitted			Gross		Net		Qualifies as affordable?
	Low	High	Average	Acres	DU/AC	Acres	DU/AC	
CENTRAL BRISBANE	0	38	21	8.95	2.35			No
VISITATION AVE	0	25	13	0.81	16.05			No
ADUS	56	122	96	NA	NA			*
LEVINSON	40	940	340	21.95	15.49	10.98	30.97	Yes
PEKING	0	350	173	9.37	18.46	2.81	61.57	Yes
PAOZ-1	0	105	76	2.36	32.20			Yes
PAOZ-2	0	190	110	6.85	16.06			No
PAOZ-2 EXTENSION	0	250	135	8.96	15.07			No
PAOZ-3	0	260	140	7.85	17.83			No
MARINA	0	760	204	6.51	31.34			Yes
SW BAYSHORE	0	195	101	12.03	8.40			No
SE BAYSHORE (VWR)	50	1,050	350	17.5	20.00			Yes
LOWER THOMAS HILL	30	480	158	9.6	16.46			No
TOTAL			1,917					

* 60% OF ADU PRODUCTION COULD QUALIFY AS AFFORDABLE PER THE CENTER FOR COMMUNITY INNOVATION, OR 58 ADUS

Simulation Comments:

Balance Brisbane also allowed participants to submit comments as part of their submissions, and many participants did so. The list below contains recurring concerns or comments offered by participants:

Recurring comments:

- Water forecasting/allocation for increased housing units/population
- Transportation, traffic management, and circulation must improve (with increased density) e.g.:
 - i. More/increased rush hour shuttles to BART/Caltrain/Muni in San Francisco/Oyster Point ferry
 - ii. Extend Muni (San Francisco Municipal Railway) to Central Brisbane
 - iii. More bike/pedestrian paths to transit
- Housing at Sierra Point would serve jobs and create a mixed-use neighborhood
- Sea level rise implications
- Importance of quality of life, i.e., noise, traffic, and environmental impacts should be thoroughly understood, considered, and addressed

Participants were also asked to identify additional sites that were not included in the simulation. The list below includes every additional site mentioned by participants, excluding any that were already included within the simulation. Some sites, such as Crocker Industrial Park and parcels along Bayshore Boulevard were mentioned more than once.

Other sites to consider comments:

- All of Crocker Industrial Park
- Along Bayshore Blvd, Visitation Ave, and San Francisco Ave
- Vacant industrial sites
- All of Sierra Point
- Above Lagoon Rd (Nonresidential portion of Baylands)
- Infill on Ridge
- The Quarry

ATTACHMENT E.1

Public Comments Received During 30-day Public Review Period

|



Question/Comment via website

dolores <brisbaneca@municodeweb.com>

Mon 8/15/2022 2:32 PM

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

Public

Comments Received during
30 day comment period
8/8/22-9/9/22

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 the Baylands? 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

560 14th Street, Suite 400, Oakland, CA 94612

Sign up for our emails at www.TransFormCA.org. Follow us on [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#), too.



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.

1

<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>

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 - 1:40pm

Submitted by anonymous user: 207.62.246.90

Submitted values are:

First Name Ronald

Last Name Colonna

Phone Number ██████████

Email Address ██████████

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>

ATTACHMENT E.2

City Responses to Public Comments Received During 30-day Public Review Period



APPENDIX E.2 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.

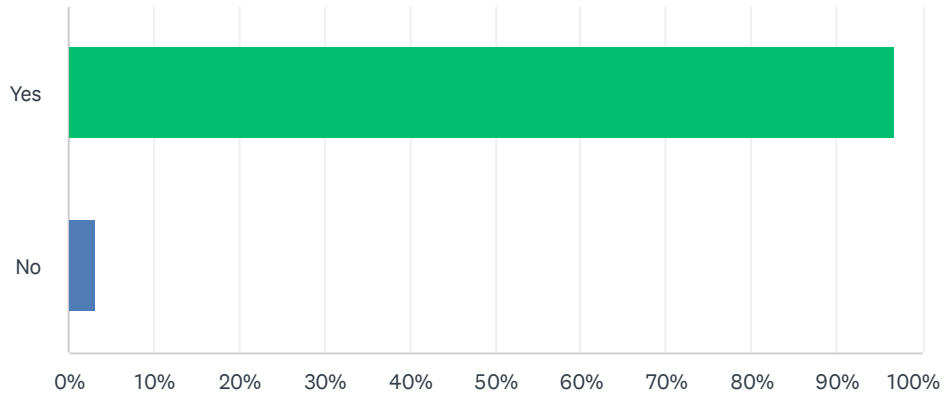


ATTACHMENT E.3
Community Survey Responses

|

Q1 Are you a Brisbane resident?

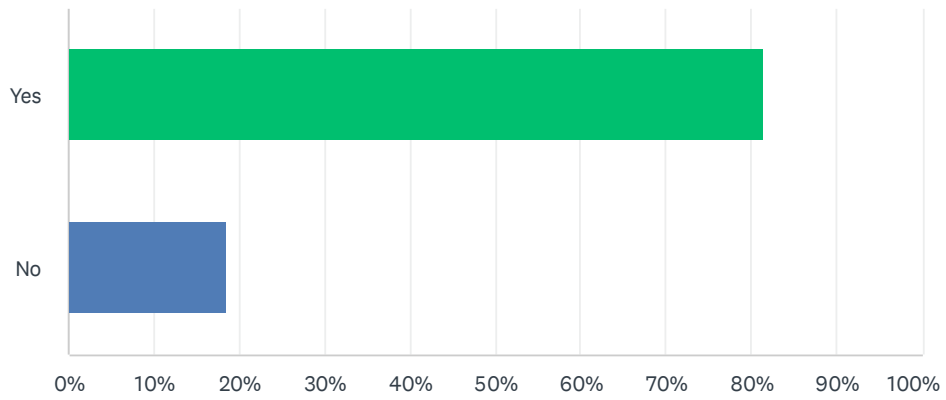
Answered: 126 Skipped: 0



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

Q2 Do you own your place of residence?

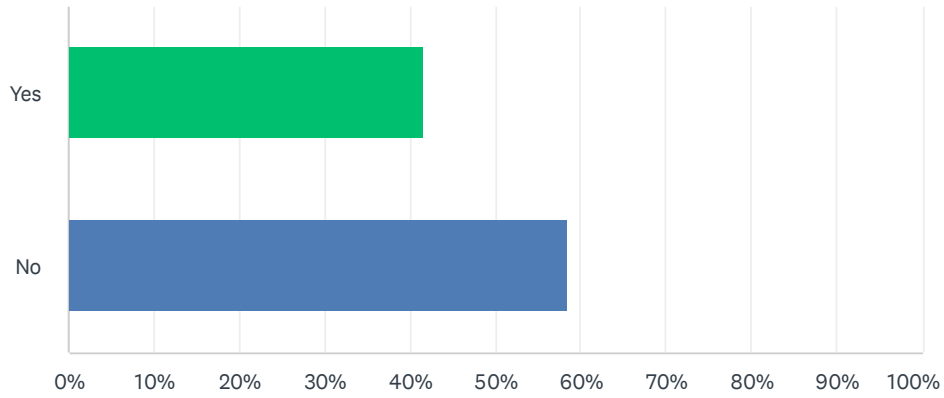
Answered: 119 Skipped: 7



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?

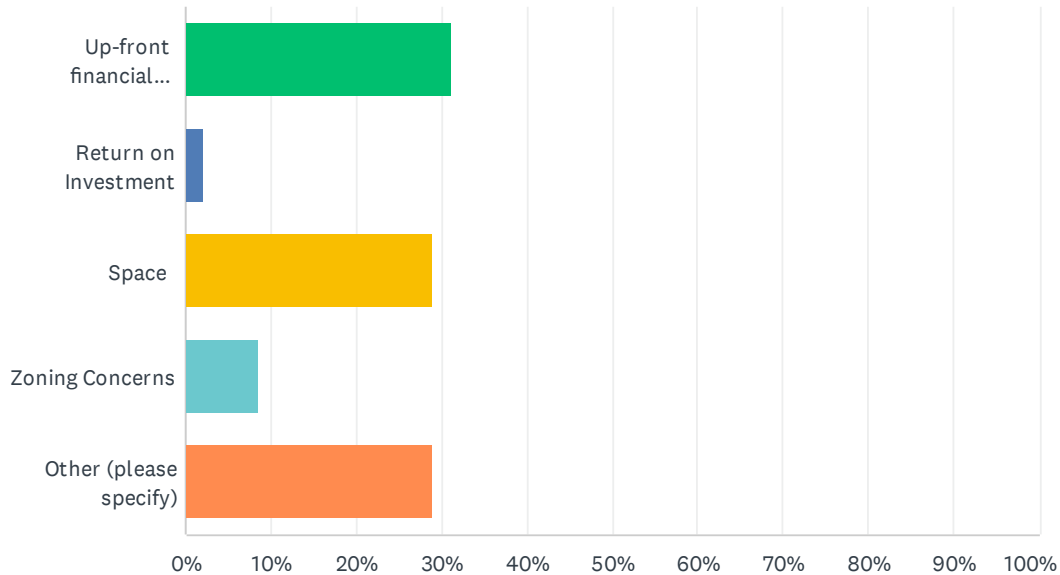
Answered: 94 Skipped: 32



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

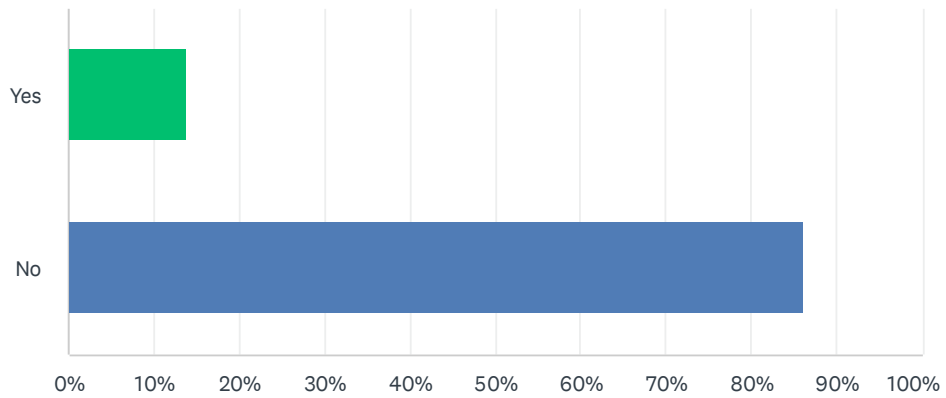
#	OTHER (PLEASE SPECIFY)	DATE
1	Knowing where to start -> engineer, architect, etc	9/28/2022 12:19 PM
2	I live on the Ridge. Option not available	9/24/2022 6:08 AM
3	parking	9/20/2022 12:27 PM
4	Planning to move in the next few years and don't wish to make this investment.	9/14/2022 1:44 PM
5	impact 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

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?

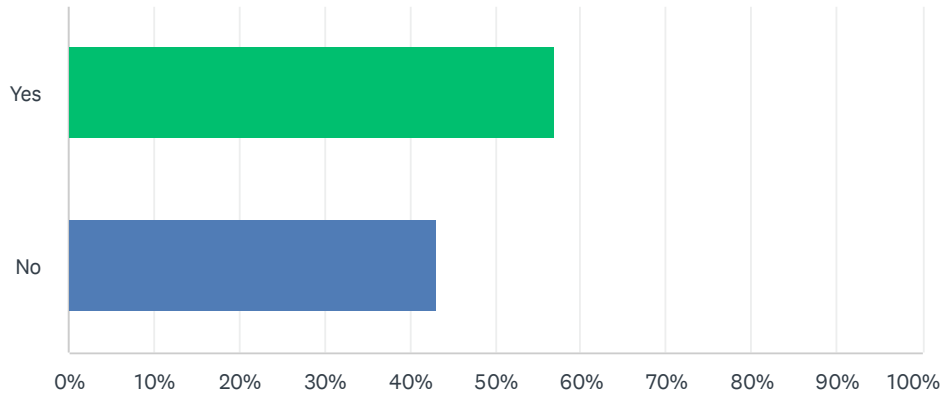
Answered: 94 Skipped: 32



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?

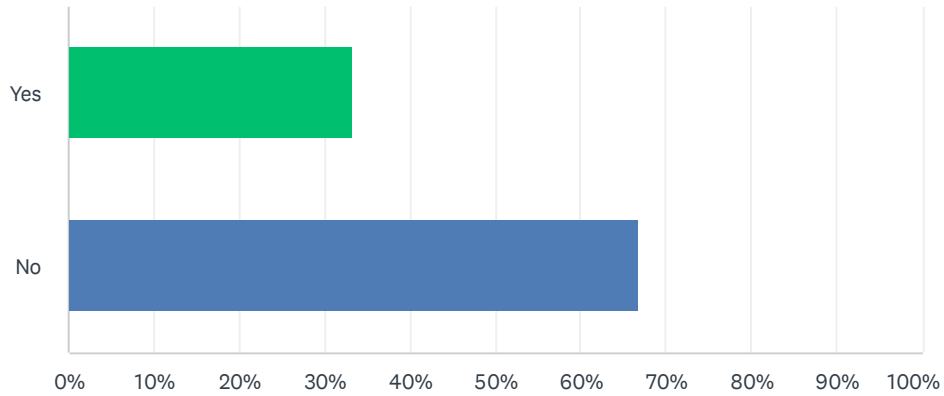
Answered: 95 Skipped: 31



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?

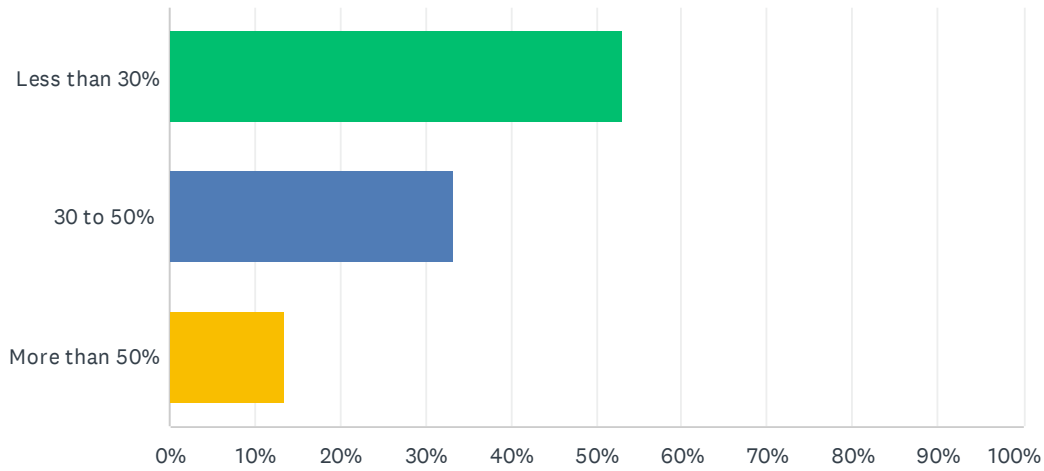
Answered: 54 Skipped: 72



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?

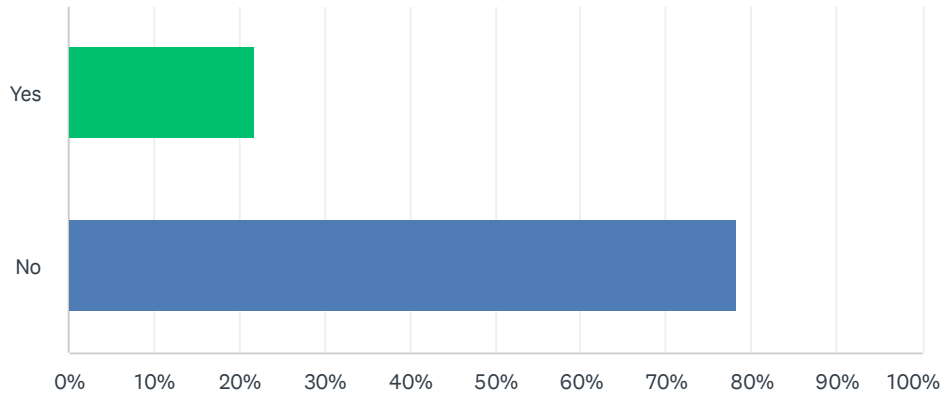
Answered: 111 Skipped: 15



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?

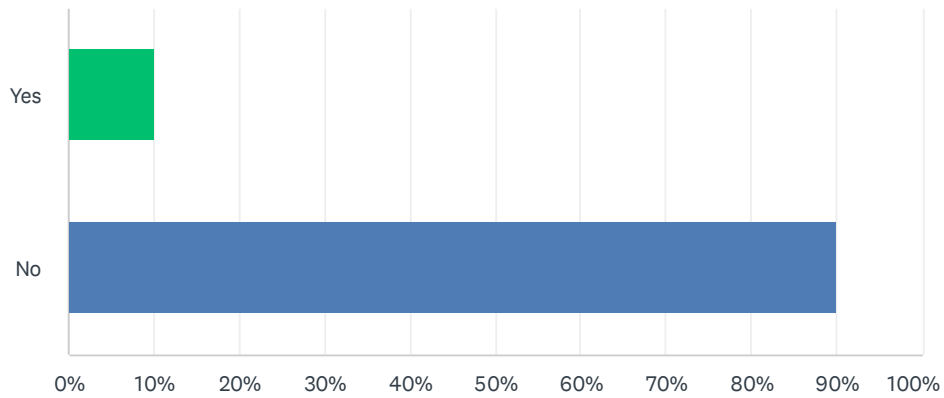
Answered: 120 Skipped: 6



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

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

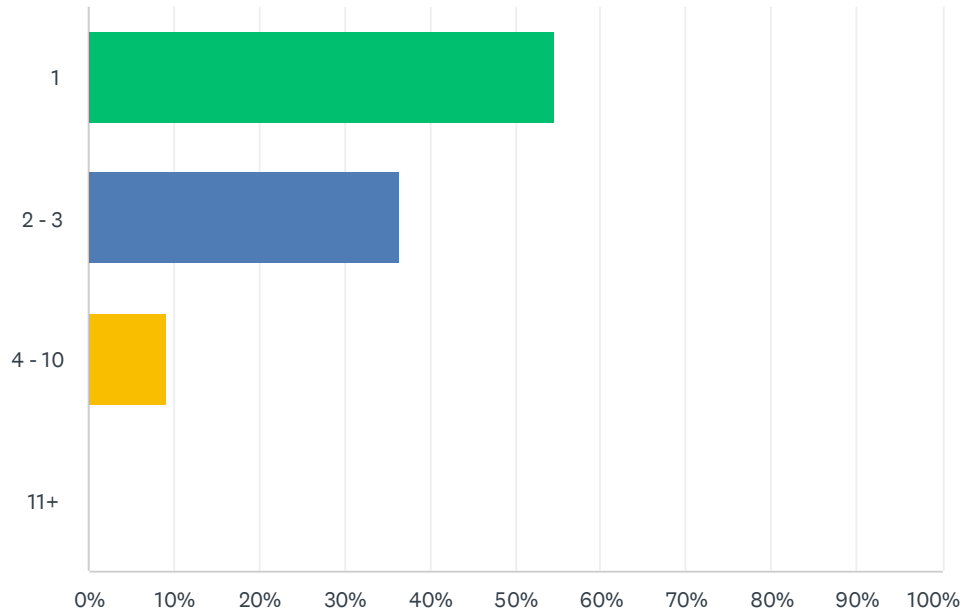
Answered: 120 Skipped: 6



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?

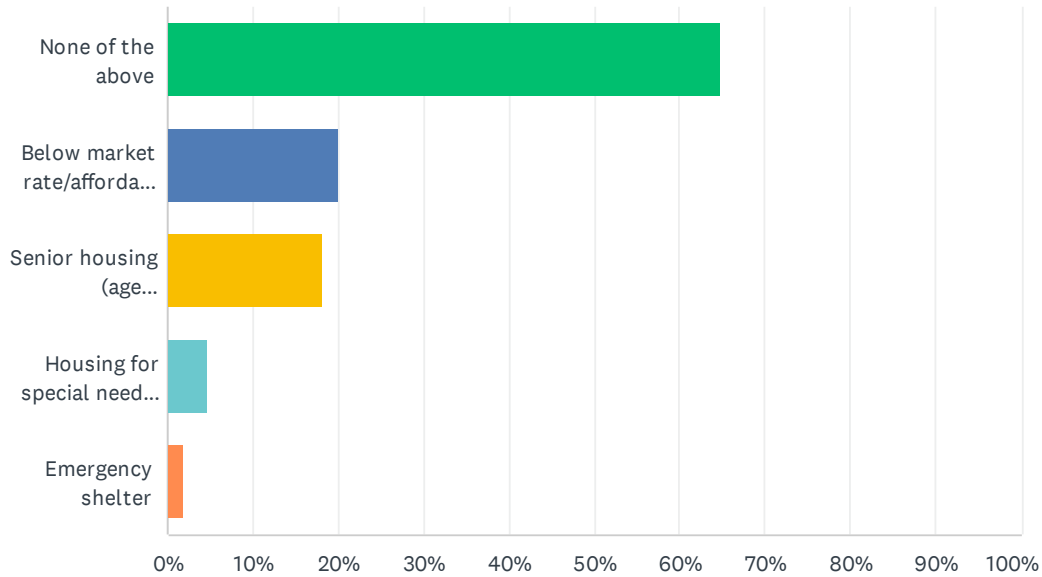
Answered: 11 Skipped: 115



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

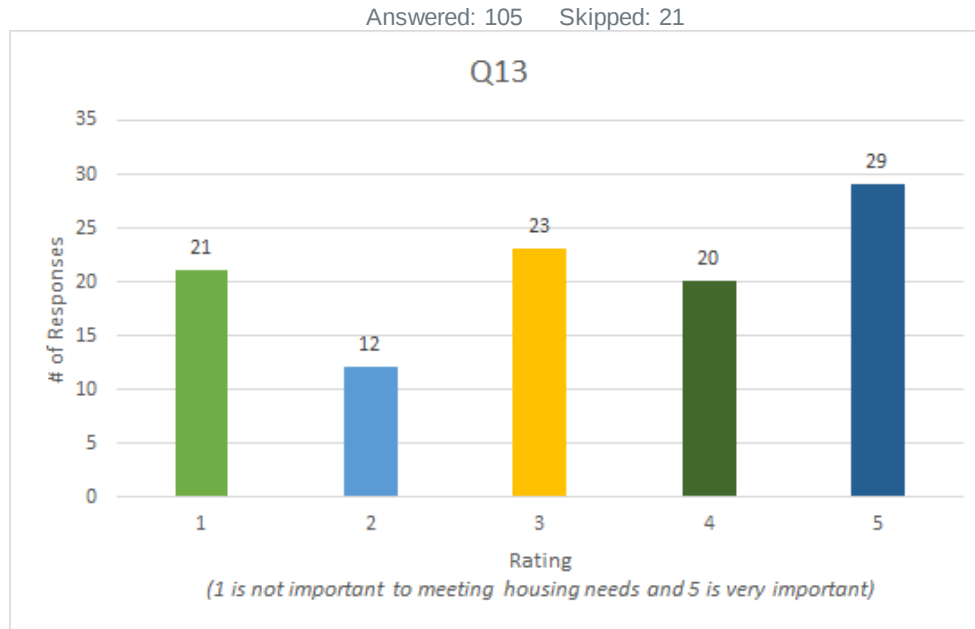
Q12 Are you, or is someone you know, seeking housing in Brisbane that fits in one or more of the following categories (check all that apply):

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
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2	4	9/28/2022 12:18 PM
3	5	9/28/2022 12:16 PM
4	2	9/28/2022 12:13 PM
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15	4	9/14/2022 1:46 PM
16	5	9/13/2022 11:31 AM

Housing Element Survey

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20	3	9/13/2022 11:22 AM
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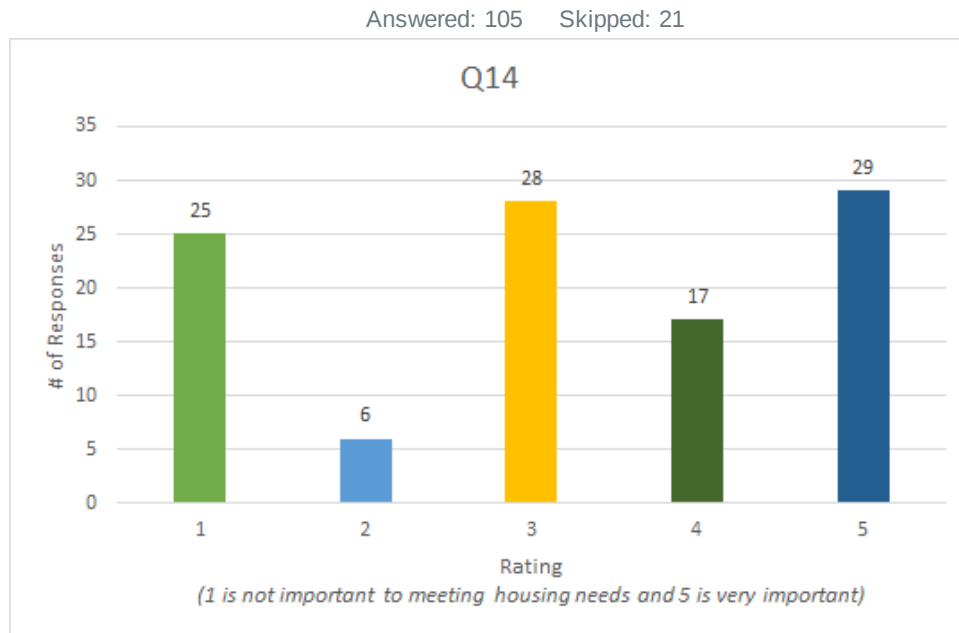
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Housing Element Survey

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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

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Housing Element Survey

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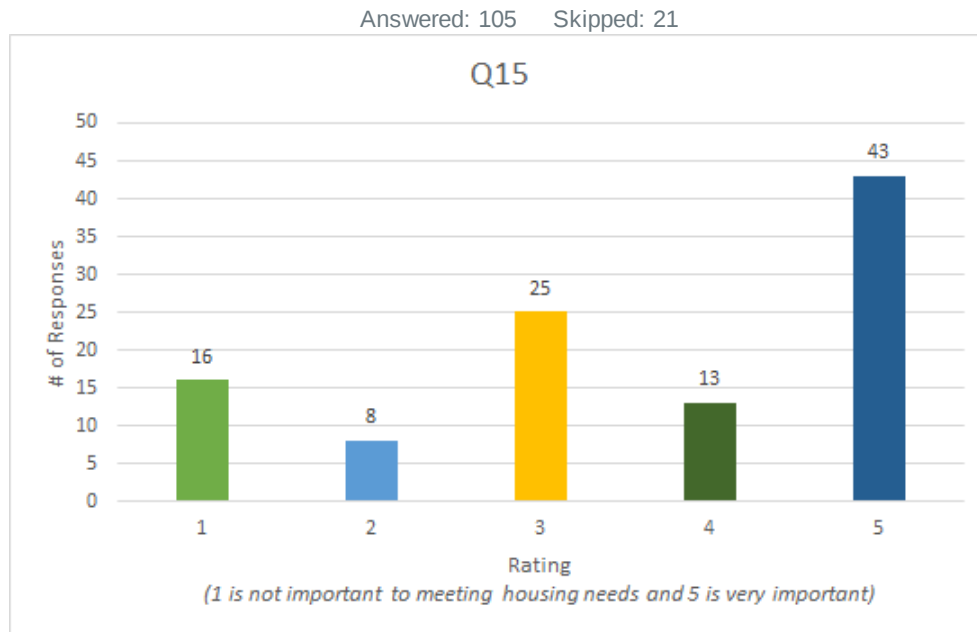
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Housing Element Survey

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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)



Total Respondents: 105

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Housing Element Survey

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Housing Element Survey

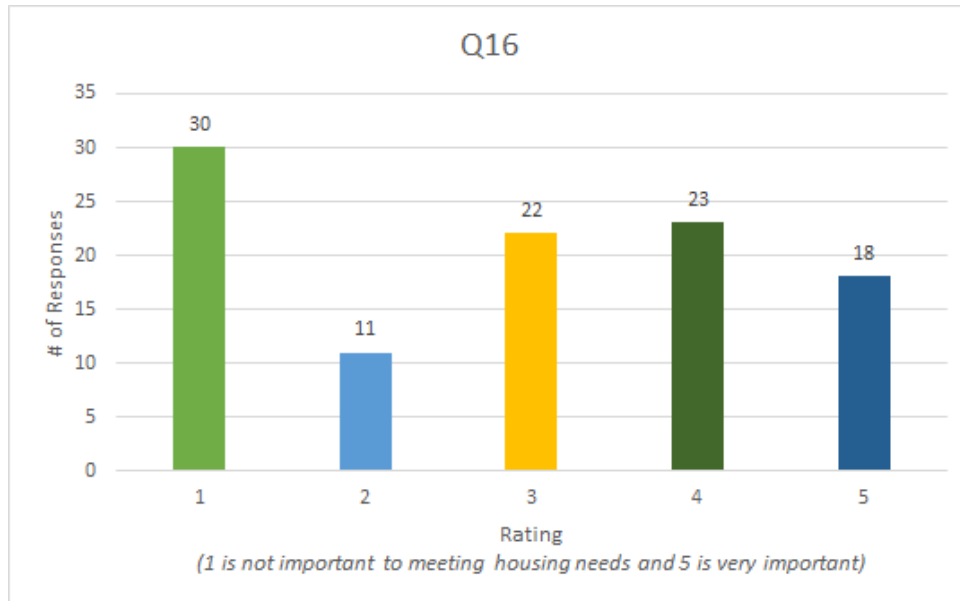
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Housing Element Survey

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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

#		DATE
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Housing Element Survey

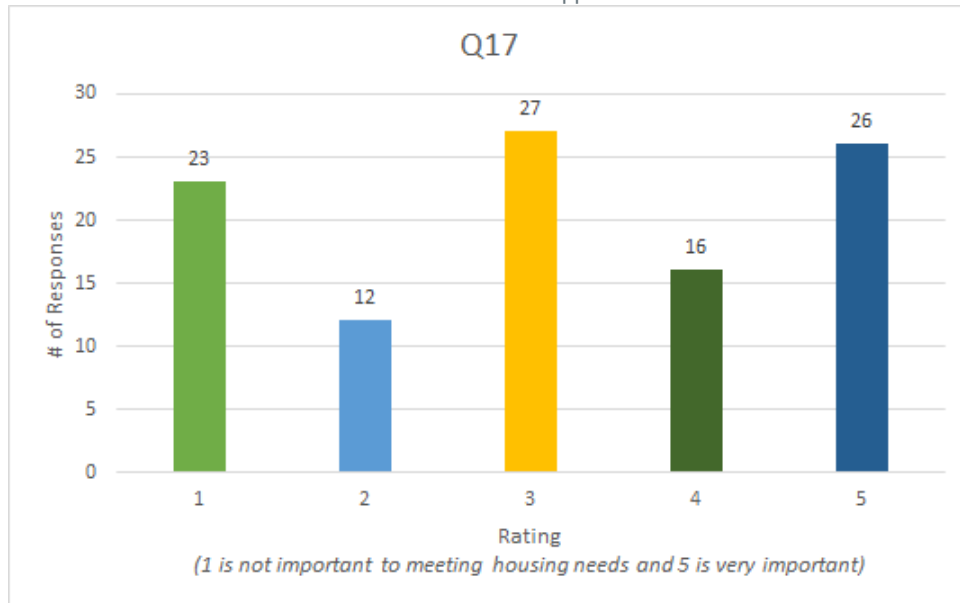
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Housing Element Survey

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98	4	8/13/2022 7:36 PM
99	1	8/13/2022 12:59 AM
100	2	8/12/2022 8:21 PM
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

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

Housing Element Survey

18	4	9/13/2022 11:26 AM
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20	4	9/13/2022 11:22 AM
21	3	9/12/2022 11:17 AM
22	5	9/12/2022 11:12 AM
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24	3	9/8/2022 5:19 PM
25	3	9/8/2022 12:31 PM
26	3	9/8/2022 12:29 PM
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30	1	9/8/2022 12:13 PM
31	4	9/8/2022 12:11 PM
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40	3	9/4/2022 10:31 AM
41	1	9/3/2022 3:18 PM
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46	1	9/2/2022 11:11 AM
47	4	9/2/2022 8:14 AM
48	3	9/1/2022 6:18 PM
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51	3	8/29/2022 11:51 AM
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Housing Element Survey

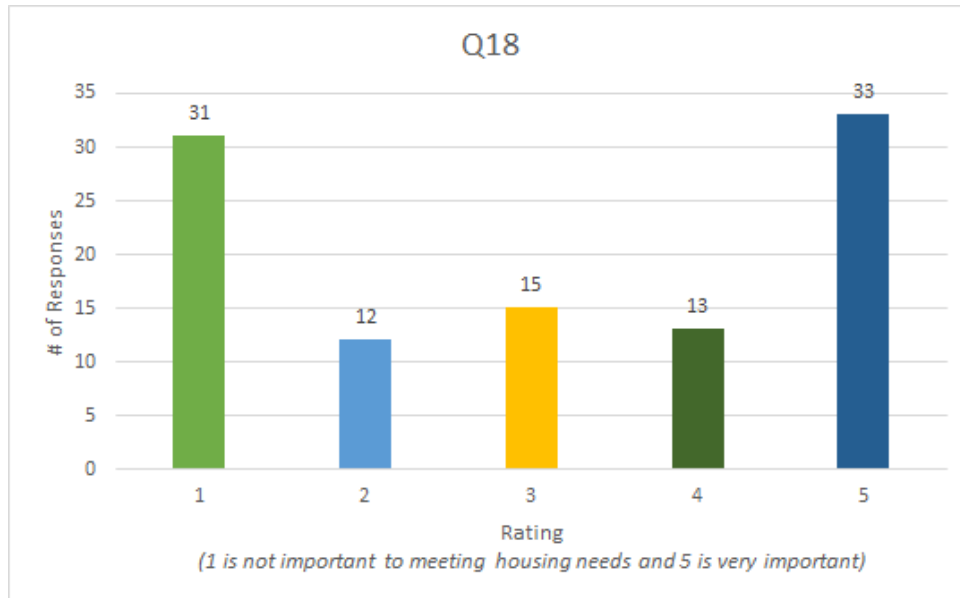
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90	4	8/18/2022 1:16 PM
91	2	8/18/2022 1:07 PM
92	3	8/18/2022 1:03 PM
93	3	8/18/2022 6:54 AM

Housing Element Survey

94	3	8/15/2022 8:39 PM
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97	2	8/13/2022 11:47 PM
98	3	8/13/2022 7:36 PM
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100	2	8/12/2022 8:21 PM
101	5	8/12/2022 8:00 PM
102	2	8/12/2022 6:53 PM
103	3	8/12/2022 6:47 PM
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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17	1	9/13/2022 11:28 AM
18	1	9/13/2022 11:26 AM

Housing Element Survey

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22	1	9/12/2022 11:12 AM
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26	5	9/8/2022 12:29 PM
27	1	9/8/2022 12:22 PM
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33	3	9/8/2022 12:07 PM
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35	2	9/6/2022 3:45 PM
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49	3	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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Housing Element Survey

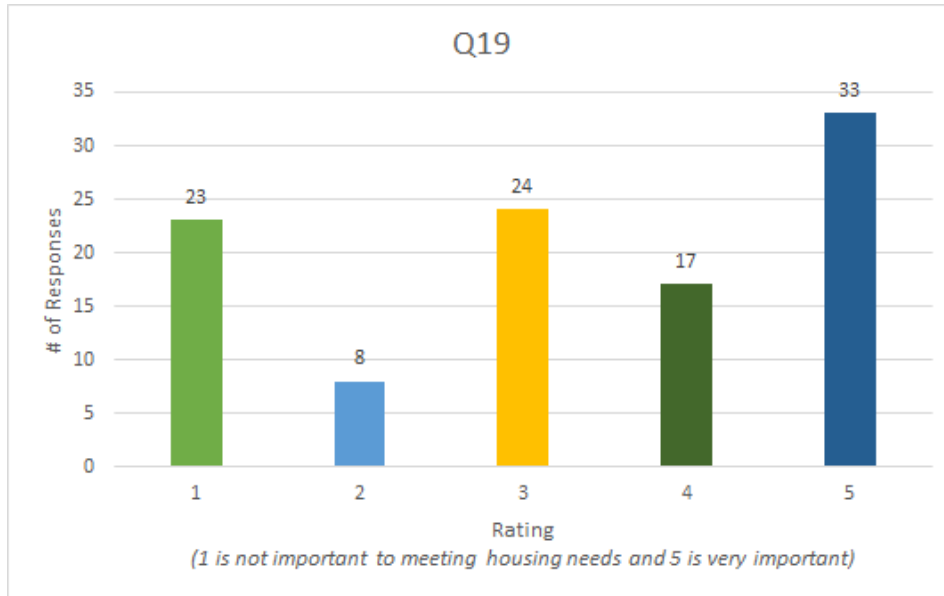
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91	5	8/18/2022 1:07 PM
92	1	8/18/2022 1:03 PM
93	5	8/18/2022 6:54 AM
94	1	8/15/2022 8:39 PM

Housing Element Survey

95	5	8/15/2022 12:30 PM
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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
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12	4	9/19/2022 5:30 PM
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Housing Element Survey

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48	2	9/1/2022 6:18 PM
49	4	8/30/2022 4:27 PM
50	1	8/30/2022 2:47 PM
51	1	8/29/2022 11:51 AM
52	3	8/28/2022 5:46 PM
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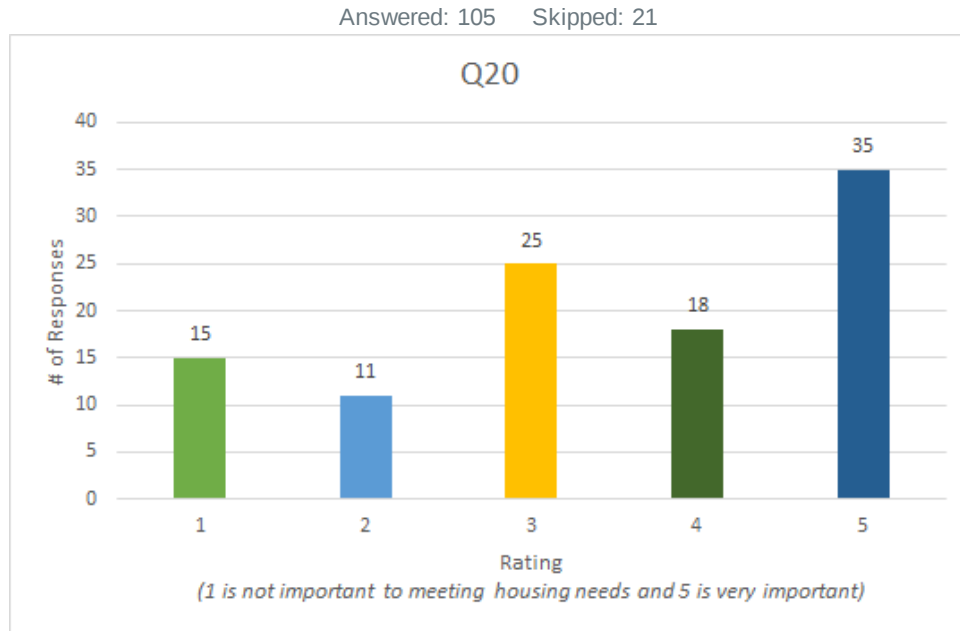
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Housing Element Survey

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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

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Housing Element Survey

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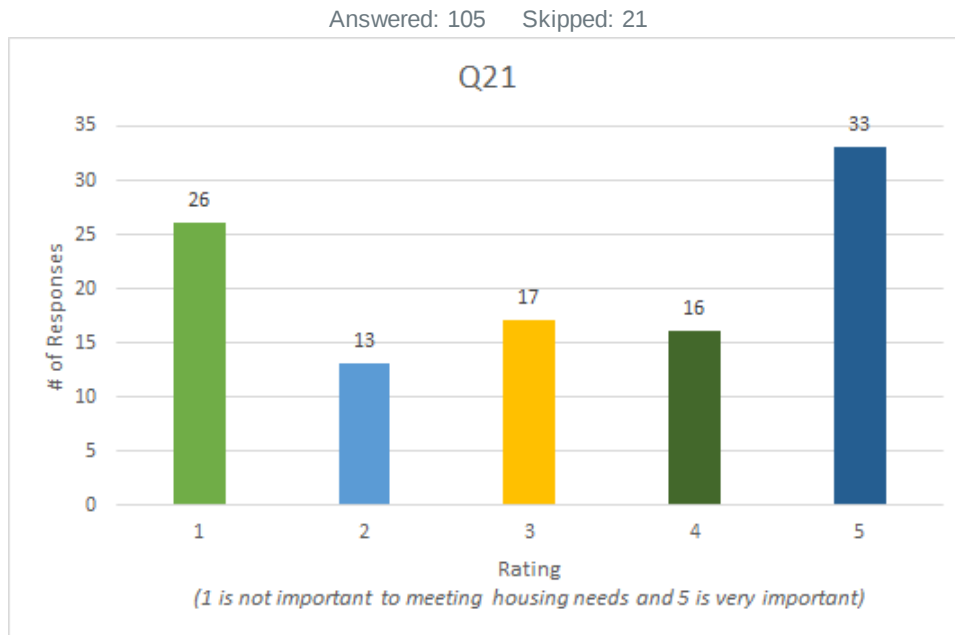
Housing Element Survey

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Housing Element Survey

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104	1	8/12/2022 5:07 PM
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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11	1	9/20/2022 12:30 PM
12	5	9/19/2022 5:30 PM
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Housing Element Survey

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32	4	9/8/2022 12:09 PM
33	3	9/8/2022 12:07 PM
34	2	9/8/2022 11:36 AM
35	2	9/6/2022 3:45 PM
36	2	9/6/2022 3:30 PM
37	2	9/6/2022 2:18 PM
38	5	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	2	9/3/2022 1:51 PM
43	4	9/2/2022 11:28 AM
44	4	9/2/2022 11:26 AM
45	1	9/2/2022 11:15 AM
46	5	9/2/2022 11:11 AM
47	4	9/2/2022 8:14 AM
48	1	9/1/2022 6:18 PM
49	3	8/30/2022 4:27 PM
50	1	8/30/2022 2:47 PM
51	3	8/29/2022 11:51 AM
52	4	8/28/2022 5:46 PM
53	1	8/27/2022 9:36 PM

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54	5	8/27/2022 8:30 PM
55	1	8/27/2022 7:22 PM
56	5	8/27/2022 4:50 PM
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	5	8/25/2022 4:40 PM
61	5	8/24/2022 2:43 PM
62	4	8/24/2022 2:36 PM
63	3	8/24/2022 2:23 PM
64	1	8/24/2022 12:48 PM
65	5	8/24/2022 8:32 AM
66	1	8/23/2022 10:39 AM
67	1	8/23/2022 4:40 AM
68	1	8/22/2022 6:13 PM
69	1	8/22/2022 3:20 PM
70	1	8/21/2022 7:15 PM
71	5	8/21/2022 4:33 PM
72	5	8/21/2022 2:05 PM
73	3	8/21/2022 12:51 PM
74	1	8/21/2022 9:27 AM
75	3	8/21/2022 9:26 AM
76	4	8/21/2022 8:24 AM
77	3	8/20/2022 2:43 PM
78	2	8/20/2022 6:19 AM
79	2	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	5	8/19/2022 4:51 PM
84	2	8/18/2022 9:19 PM
85	5	8/18/2022 7:40 PM
86	5	8/18/2022 6:58 PM
87	5	8/18/2022 6:18 PM
88	2	8/18/2022 1:49 PM
89	3	8/18/2022 1:20 PM
90	3	8/18/2022 1:16 PM
91	3	8/18/2022 1:07 PM

Housing Element Survey

92	4	8/18/2022 1:03 PM
93	4	8/18/2022 6:54 AM
94	1	8/15/2022 8:39 PM
95	5	8/15/2022 12:30 PM
96	2	8/15/2022 11:35 AM
97	1	8/13/2022 11:47 PM
98	4	8/13/2022 7:36 PM
99	1	8/13/2022 12:59 AM
100	3	8/12/2022 8:21 PM
101	5	8/12/2022 8:00 PM
102	3	8/12/2022 6:53 PM
103	4	8/12/2022 6:47 PM
104	5	8/12/2022 5:07 PM
105	5	8/11/2022 5:21 PM

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

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

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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

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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

ATTACHMENT E.4

**Public Comments Received After First Submittal to HCD
(October 2022-February 2023)**





City of Brisbane
50 Park Place
Brisbane, CA 94005

To the honorable Brisbane City Council and planning staff,

The Housing Leadership Council of San Mateo County appreciates this opportunity to engage the City of Brisbane on its housing element. On September 9, 2022, HLC sent the city [a letter](#) outlining opportunities to improve the initial draft of its housing element to better comply with state law and plan for new affordable homes. The city made few changes in response to HLC's comments before submitting the draft to the state department of Housing and Community Development (HCD) for review.

On January 4, 2023, HCD sent [a review letter](#) to the City of Brisbane requesting numerous changes to its draft housing element. Based on HCD's feedback and the current policy commitments stated in the housing element draft to be reviewed by Brisbane's planning commission, HLC maintains that Brisbane must include significant new policy changes in order to comply with housing element law.

The housing element under consideration by Brisbane's planning commission—apparently unchanged from the draft first submitted to HCD—relies primarily on the Baylands to meet Brisbane's housing need. Considering the long history of arbitrary delays to housing development on this site, it is absolutely critical that Brisbane do everything it can to promote development on the Baylands as soon as possible. To that end, HLC is glad to see the inclusion of the Baylands in Brisbane's housing element.

However, Brisbane's housing element provides few incentives to promote development of housing at the Baylands. In fact, the housing element anticipates potential delays, committing to approve a specific plan as late as 2026—and that is just the first of many steps on the road toward completing this development. In order to complete a valid housing element, the City must outline, in detail, a realistic schedule for the entitlement and development of the Baylands with necessary incentives, including:

- Expedite approval of the Baylands Specific Plan by the end of 2023, entitlements by the end of 2024, and supplemental environmental review (if needed) by the end of 2024
- Allow environmental remediation to occur concurrently with the entitlements process
- Offer concessions and waivers to the Baylands pursuant to density bonus law
- Allow base densities up to 30 dwelling units per acre and 40 feet height throughout the entirety of the Baylands residential portion and allow up to 60 du/ac and 70 feet height within a half mile of CalTrain.

Realistically, even with ideal incentives, many of the housing units projected for the Baylands site will be built after 2030, after the end of the 6th RHNA cycle. The Department of Housing and Community Development's [review letter](#) explicitly says Brisbane must fully consider "the affordability and availability for developing in the planning period of the Baylands" and then "adjust residential capacity assumptions." As demonstrated in HLC's [September 9, 2022 letter](#), due to development constraints on the site, Brisbane must likely reduce the number of units it projects from the Baylands to be built in the 6th RHNA cycle by 50% or more.

As a result of the reduction of units on the Baylands, more than 50% of Brisbane's low-income housing units will be located on other non-vacant sites located in the city's PAOZ zones. The city will then be required to analyze whether the preexisting uses on these sites pose a potential barrier to new housing development. This analysis will likely reveal that the preexisting uses on several of these sites preclude development of lower income housing, requiring the city to further identify new sites and rezone appropriately.

Brisbane's lack of adequate opportunity sites to demonstrate capacity for lower income homes will necessitate rezonings to comply with housing element law. As described in HLC's [September 9, 2022 letter](#), the city could create new opportunity sites and meet its RHNA allocation by adding Program 2.A.7, "Update Zoning Code," to

- 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.
- Increase allowable density to
 - 60 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
- Increase FAR to 3 in R-3 zones.

The city should pursue a number of other policy changes to promote fair housing and remove barriers to its development. Again, thorough policy recommendations to address the majority of HCD comments are described in HLC's [September 9, 2022 comment letter](#). For the above reasons, **Brisbane's planning commission should direct staff to make significant changes to the housing element as requested by HCD and HLC and seek certification from HCD before pursuing housing element adoption.**

HLC recognizes that some of our proposed changes, particularly the rezoning proposals, may require substantial delay to housing element adoption as the city undergoes an EIR and other necessary public processes. Though unfortunate, these delays may be necessary for Brisbane to meet its legal obligations to plan for new homes.

Fundamentally, cities cannot analyze their way into new homes, nor can they analyze their way into compliance with state law. The housing element process challenges cities to provide a series of analyses and then commit to substantially change local policies in ways that incentivize new housing development within the planning period. Brisbane's current housing

element neither adequately analyzes nor takes action to address the barriers to fair housing development in the city.

HLC looks forward to continue working with Brisbane's leaders as they strive to implement more significant policies and programs that will help the city meet the housing needs of the entire community over the next eight years.

Thank you for your consideration,

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

Jeremy Levine

Policy Manager, Housing Leadership Council of San Mateo County

Brisbane Housing Element 2023- 20XXX

This is a train-wreck waiting to happen. By not questioning the fairness of our double-the-size-of-your-town RHNA number assignment, we are now forced to have shovel to ground-somewhere, anywhere whether appropriate or not, whether safe or not. **These laws amount to extortion...** “Do this or we’re taking away your open space, your environmentally sensitive lands, your parking, your recreation areas... even your CC&R’s...” The law(s) you are trying to comply with, to bypass CEQA for only one element of the General Plan, this is out of balance, it has to be challenged.

Does today create our 30-day window for public comment period? The closing period is not clear. Have you properly informed the public of the changes, amendments since comments from the state? Have you informed the public that the elimination of R-1 will mean your neighbor can multiplex to any height, shade out your solar system, eat up your parking, tie into your sewer lines without any environmental or mitigating compensations?

Stand up to the profit-driven bullies in Sacramento and say NO, we can come up with a better low-income housing plan without destroying our whole town. Our RHNA number compliance is dependent on water availability and **we don't have the water.** We don't have any agreements in place to widen the roads or the myriad of improvements deemed necessary to support the growth for doubling our town.... to just to make 500 low-income units... based on a prior thoughtful community-reflected EIR. Where are your overriding considerations and agreements that the City will now take on these developer obligations? It's implied.

SB 9, SB 10 and a multitude of housing reform laws were placed into service since 2018, the document you referenced for CEQA compliance. The effects of these laws have not been properly vetted. To undergo NO environmental review at the tipping point of the shift from the exercise of RHNA numbers to the implementation anywhere without covenants to mitigate the impacts, is tantamount to conspiring to defraud the citizens. Please don't.

Incorporate by reference information regarding Housing Law changes for 2019, 2020, 2021, 2022.

2019 : <https://www.hklaw.com/en/insights/publications/2018/10/californias-2019-housing-laws-what-you-need-to-kno>

2020 : <https://www.hklaw.com/en/insights/publications/2019/10/californias-2020-housing-laws-what-you-need-to-know>

2021: <https://www.hklaw.com/en/insights/publications/2020/09/californias-2021-housing-laws-what-you-need-to-know>

2022 : <https://www.hklaw.com/en/insights/publications/2021/10/californias-2022-housing-laws-what-you-need-to-know>

Brisbane had the mechanism to serve our low-income community's housing needs. It was the 20% set-aside tax revenue from our redevelopment projects. With the capital improvements going on at Sierra Point, and if you were to be sincere in your efforts to provide housing for all segments of the society, you could implement the set-aside requirement and have sufficient funds to produce low-income housing. It worked in the past. It is disciplined and fair.

At the time, we had a city council that made it a priority to produce mandated housing in order to not lose their set-aside funds. Instead, through this multiple-year RHNA exercise, you have

participated in allowing the city of Brisbane to play a game of monopoly with our public housing funds, to withhold funds and sit on properties for over decades, swap out for non-housing uses, and actually lose one unit due to burdensome regulations. There should be more accountability than to look at the issue, once again, and come up with a program at some later date. You have a one-year window for compliance.

The 20% set-aside tax policy works... no need for more time to figure it out, straight to implementation. At least that is a recommendation to make to the council.

You have to look at council and city manager bias as our stumbling block. If you don't, I will. To have a council member refer to this responsibility as serving "those people" with fearful remarks about folks from "the East Bay," and all council members nodding in unison... I think the issue is that our council does not have the capacity to carry out their responsibility to the public. You have a legal background, It's your job to generate laws to protect us from extortionists and fraud. Please do so.

The meeting I refer to council bias is on this clip between the minutes of 30:15 and 30:35.

<https://www.brisbaneca.org/citycouncil/page/joint-city-council-brisbane-gvmid-financing-authority-housing-authority-meeting>

I oppose approving this element because the alternate areas you considered for dense housing may be environmentally sensitive, inappropriate, and have land-use restrictions. We don't have any studies or protections for sea-level rise. Please ask the city for an assessment of mud slides and closed roadways during this last storm event to determine whether denser housing should be allowed on our steep, clay hillsides or safe on our landfills subject to liquefaction. Are we prepared for 4x the housing?

This is a multiplying event with multiple impacts and you choose to not look at them. If approved tonight, you appear to be complicit with this theft. I ask that you vote no or excuse yourselves from creating a law that violates our rights to equal representation by our public officials.

Please recirculate this document. Please inform the public of the true impacts and please create regulations that protect all of us of the theft of our public assets, from wearing-out our infrastructure, all for the benefit of for-profit foreign speculator development.

Thank you,
Dana Dillworth
earthhelp@earthlink.net



The Housing Element update represents a critical opportunity for Brisbane to improve its housing policies in a way that promotes abundant, affordable, and secure housing opportunities for all its residents. While we commend city staff for their efforts in this process, Brisbane’s Draft Housing Element still has deficiencies in regard to detailing its pipeline projects that will render it unlikely to receive HCD certification. As such, we recommend that Brisbane add additional evidence to their site inventory in order to meet HCD’s pipeline requirements.

Site Inventory & Methodology

Brisbane’s RHNA for this sixth cycle Housing Element update is 1,588 housing units. The Housing Element notes that Brisbane lacks adequate sites to meet RHNA, and as such a program was included for rezoning on the Baylands via adoption of a specific plan.

Based in part on the results of Balance Brisbane and the expertise of staff, consultants, and developers, the City identified the Baylands subarea as the most logical site to be put forward as meeting the RHNA plus the buffer, given that a range of 1,800 to 2,200 housing units is permitted per a General Plan Amendment completed in 2019, a single landowner/developer owns the multi-parceled site and is actively pursuing development of the site with housing, and it is vacant.

While the City General Plan allows for 1800-2200 housing units within the Baylands, it is currently zoned commercial C-1, which does not allow for housing. However, a specific plan is in process which will rezone the site for housing consistent with the adopted general plan.

TABLE B.4.1
Sites Inventory by Subarea Affordability Breakdown

<i>Subareas</i>	<i>Total Units</i>	<i>Very Low</i>	<i>Low</i>	<i>Moderate</i>	<i>Above Moderate</i>	<i>Pipeline</i>
Baylands	1,800	145	80	287	1,288	-
Parkside	246	159	87	0	0	-
Central Brisbane	140	1	4	4	131	61
ADUs	40	12	12	12	4	-
Totals	2,226	317	183	303	1,423	-

Table Source: Housing Resources Sites Inventory

1

This site inventory was developed to meet all statutory requirements and provide a realistic and achievable roadmap for the city to meet and exceed RHNA.

¹Appendix B-6



As currently drafted, the site inventory relies on the existence and rezoning of the Baylands in order to meet RHNA requirements. We agree with staff’s analysis that the Baylands is an incredible site for housing, and can certainly meet the city’s housing requirements.

However, in order for this site to be included in Brisbane’s pipeline projects, it must meet HCD’s requirement to show schedules for entitlement and development.

Specifically, “While the element may utilize pipeline and potential development projects toward the RHNA, it must also demonstrate their affordability and availability in the planning period. Affordability must be demonstrated based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions). Availability should account for the likelihood of project completion in the planning period and should address the status, necessary steps to issue permits, any barriers to development and other relevant factors.

For availability, the analysis should address the anticipated schedule for development, including completion, any known barriers to development in the planning period, impacts of remediation plans on site availability, infrastructure, phasing requirements, build out horizons and any other factors impacting the availability of sites in the planning period. Based on the outcomes of this analysis, the element should adjust residential capacity assumptions for the planning period.

We ask that staff provide substantial evidence that the Baylands site will be redeveloped and include a written schedule for the entitlement and development process into the Housing Element. Without this additional evidence, the housing element will be rejected from HCD, and Brisbane will be out of compliance.

Whether or not HCD accepts the Baylands as an opportunity site, Brisbane’s site inventory still 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.

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

- **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.

We ask that if staff is going to prioritize the Baylands as the primary opportunity site



for development, that they codify a written schedule for entitlement and development as well as expedite approvals and permitting in order to ensure the Baylands moves forward during this RHNA cycle.

Thank you very much for your consideration,

Ali Sapirman
South Bay & Peninsula Organizer / Affordable Housing
Advocate Housing Action Coalition



Department of Housing and Community Development
Housing Policy Division
January 24, 2023

RE: Comment on Housing Element of the City of Brisbane

On behalf of the Bay Area Council, I write to express my concerns with the City of Brisbane's draft housing element. We urge the Department of Housing and Community Development to not approve a version of its element without clear and reliable commitments to moving forward the Brisbane Baylands project, which represents the vast majority of the housing growth that Brisbane forecasts in its draft housing element.

The Bay Area Council represents 300 of the region's largest businesses, and many of our members have direct experience building in the Bay Area. As a part of developing our comments on all housing elements we work on, we worked with our members to identify the strategies that their experiences teach them would build more housing in the Bay Area. Their perspective is especially valuable because they work in many cities in the Bay Area and can compare Brisbane to other similar jurisdictions.

As the legislative sponsor of SB 828 (Wiener), the Council and our members are especially keen to see housing element law succeed in the Bay Area. In addition to collecting our members' views, the Council developed several principles for housing element review. In general, we look for ways to:

- Reduce or eliminate discretionary review opportunities,
- Identify the cumulative impact of cost drivers, such as fee, and
- Review the approval process and set better timeline goals for project.

In reviewing Brisbane's element, we were challenged to apply these principles because so much of Brisbane's needs are going to be met by the Brisbane Baylands. Given that the Baylands plays such an outsized role in Brisbane's housing element, the City's housing element should follow these three principles to the highest degree possible for that specific project within the housing element itself, which we admit is not a usual practice for a city.

In general, we agree with HCD's request that Brisbane needs to enhance certainty that the City will approve the Baylands within the next year, so that the project can be completed within the housing element cycle period. To accomplish that, Brisbane should establish mandatory timelines for reviewing and approving the project that are clear and create actionable consequences if the City does not meet its own timelines. If these timelines are not met, housing element compliance should be revoked by triggers built into the element itself. There should be bright line tests for how the project is moving

along to ensure that the housing element as a whole is making progress on its housing goals, as most cities must do for their total housing pipeline during the housing element process.

On January 4, 2023, HCD sent a review letter to Brisbane requesting significant changes to its draft housing element. Based on HCD's feedback and the current policy commitments stated in the housing element draft, BAC encourages HCD to ensure that Brisbane's pipeline projections comply with housing element law, which generally requires that pipeline projections be based on past success or reasonably expected under new programmatic commitments to HCD.

To accomplish this, as HCD's letter points out, Brisbane's housing element should include a comprehensive development schedule for the Baylands project. Brisbane should commit to specific, measurable, and attainable programs that facilitate the development. Specifically, BAC recommends Brisbane:

- Provide a detailed schedule for the approval of the Baylands Specific Plan in 2023, entitlement approval by the end of 2024, and supplemental environmental review (if necessary) by the end of 2024.
- Allow environmental remediation to occur concurrently with the entitlement process.
- Support funding applications for the Baylands development, including for any necessary water infrastructure.

Without these changes, Brisbane's pipeline projection cannot reasonably be expected to result from new programmatic commitments or from past performance. To the extent Brisbane adopts the programs we recommend, we believe its housing element should be valid only if they are making progress to those commitments. If Brisbane does not make these commitments, we recommend HCD not certify its element. The Bay Area Council thanks you for the consideration of our comments, and we would be happy to answer any questions you might have.

Best wishes,



Louis Mirante, Bay Area Council
Vice President of Public Policy
lmirante@bayareacouncil.org

SENT VIA EMAIL

CC: City of Brisbane and staff

TO: Brisbane City Council

FROM: Dana Dillworth

RE: Certification and Adoption of the 2023-2031 Housing Element and Findings of Categorical Exemptions Abusing the Intent of CEQA When New Material Information Exists

February 2, 2023

1.) Don't pass this General Plan Amendment and findings under the threat of "builder's remedy." Sounds like extortion to me.

Please refer to Penal Codes 518 and PC524 for Extortion and Attempted Extortion and all statutes for Criminal Conspiracy PC182, Misappropriation of Public Funds PC424, the Public Information, Right-to-Know, Transparency "Sunshine Laws" that apply, both federal and state.

You reference a "recent interpretation of State Law by HCD staff..." Provide us with a transcript of that conversation or the legal interpretation presented to be part of the record. Please state who made that claim, their basis, and their legal credentials.

2.) Don't pass this General Plan Amendment and findings without the Public's 30-day chance to review the corrections YET TO BE formulated by staff.

Approve now with mistakes, (or insertions of uncirculated, unapproved material Figure 3-1.2) and provide standards later? CEQA requires studies and full disclosure of environmental conditions to support the legislation BEFORE you pass it instead of utilizing a hodgepodge of ways to circumvent environmental laws.

CEQA requires a current environmental condition assessment. New conditions, not previously assessed are:

- Recent storms, their impacts on our infrastructure, (pg. 4-13) and
- New studies on sea-level rise penetrating into previously considered safe zones. (SFEI's recent report located in this L.A. Times article <https://www.latimes.com/environment/story/2023-01-17/new-sea-level-rise-maps-show-hidden-flood-risk-in-bay-area> ,) and
- VWR having new land covenants restricting housing and hospitals due to persistent "forever chemicals."
- Changes in work/live patterns due to Covid.

My objections to insufficient studies and insufficient environmental settings prior to approval are multiple, are otherwise hereby incorporated by reference.

3.) Four days to review a document with this many references hidden in appendices is daunting. Please make the corrections and circulate for public review PRIOR to certification. It's not a legal, certifiable document in its current state.

4.) Make certain this is in compliance with the General Plan.

In the 1994 Brisbane General Plan, and when planning for the Northeast Ridge occurred, in a multitude of required studies, there was recognition that we have a higher percentage of recreational opportunities per capita/unit of housing. It creates the low-crime, positivity of our community. Will that be the case in the future? How is sufficient Open Space, Transportation, and Recreation for new residents being addressed in this plan? Particularly the aging population referenced in 2.1.

Our roadway's level-of-service were above average. We had a balance between new business and affordable housing because there was a redevelopment mechanism, 20% set-aside. Balance seems to be missing in this document.

Thirty years later, a succession of laws have been passed in Sacramento to weaken the clean-up and risk-assessment standards and now blindly enforce high-density housing where it doesn't belong without any further environmental review. Builder willingness is the only need? Stand up to this nonsense.

HCD has made many recommendations that I am happy to see. But compliance with our General Plan needs to be done BEFORE you approve.

5.) **The Public Trust:** The Public is being betrayed. The City staff, council, commissions, and some builders/their councils, have openly conspired to take away our Public lands and resources with the State. (Appendix E, page 9). Is this still the case that these lands (Brisbane Acres (upper and lower), VWR and Sierra Point) are still on the table? Land use covenants, restricted use and access means nothing?

I would have hoped that, working in the Public's interest, you would have greater leverage with the Baylands developer (percentage-wise) when you signed the documents for \$3,000,000 Public Funds for clean-up studies. We were told we needed this vast number of housing units to get affordable housing and pencil things out... but the minimum, only 17% low-income housing? Their current intention is to put high-rises along the rail corridor for developmentally disabled communities. Does the Center for Independence of Individuals with Disabilities agree? The loudest, most polluted zone?

It's hard for me, teaching in magnet schools for people with various challenges seeking integration with society, to find this map and tone acceptable.

Brisbane's plan should be an Alternative Plan to integrate the necessary low-income housing units within existing housing, (vie for a lower RHNA number please) as we have done before, maximize ADU potential first, and not spot-zone. We haven't reviewed the Environmental Impacts nor guarantees of the newly mentioned Contra Costa County Water agreement. You are incorporating Baylands documents that are NOT YET public. **We have the right to know before it's incorporated into our General Plan.**

I totally object to you having \$500,000 in hand for low-income home rehabilitation and plan to sit on it for two more years. It seems criminal and seems endemic to this council.

5.) **CEQA requires alternative plans.** There is mention in the SB9 literature that Alternatives to R-1 = R-3 or 4 can be submitted. Where are the Alternatives? No mention of live-aboards, short-term RV rentals, or pod hotels.

Take a ride on BART and see how homeless people find respite. A pod hotel, even portable units with bathing—- quick and easy. Please, propose something more immediate than report out in three years.

6.) **Complete studies FIRST:** Your Planning Commission workshops are not a substitute for studies. The State can utilize other laws you didn't cover in your cursory PC 11/10/22 virtual workshop that includes the ability to change CC&R's. Please study and provide us the cumulative impacts of the new housing laws before you incorporate them by reference.

7.) **Sustainability:** Please define how the practice of converting every Public space to housing is sustainable. It's cannibalistic. It's an unfair advantage to people who have no sense of community. **Stand up for local control, come up with a better plan.** I would take ADU support in a hot minute.

Council Correspondence: Thursday 2/2 Council Meeting to Adopt Housing Element 7:30pm

Padilla, Ingrid <ipadilla@ci.brisbane.ca.us>

Thu 2/2/2023 8:02 PM

To: Council Members <CouncilMembers@ci.brisbane.ca.us>

Cc: Swiecki, John <johnswiecki@ci.brisbane.ca.us>; Ayres, Julia <jayres@ci.brisbane.ca.us>; Johnson, Kenneth <kjohnson@ci.brisbane.ca.us>; tmcmorrow <tmcmorrow@manatt.com>

 1 attachments (1 MB)

10112022_item_11a_draft_waterfront_adaptation_strategies_final.pdf;

See correspondence from Danny Ames.

Ingrid Padilla
City of Brisbane, City Clerk
(415) 508-2113

From: Danny Ames <cleanair@sbcglobal.net>
Sent: Thursday, February 2, 2023 7:25 PM
To: Padilla, Ingrid <ipadilla@ci.brisbane.ca.us>
Subject: Thursday 2/2 Council Meeting to Adopt Housing Element 7:30pm

Hello Ingrid,
Could you share with the council.
Thank you. Danny

TO: Brisbane City Council
FROM: Danny Ames
RE: Certification and Adoption of the 2023-2031 Housing Element and Findings of Categorical Exemptions Abusing the Intent of CEQA When New Material Information Exists
February 2, 2023

How is Brisbane planning for sea level rise?
Here is San Francisco's strategy. Maybe we should consider working together.



The City of Brisbane

Via email: jswiecki@brisbaneca.org; CouncilMembers@brisbaneca.org

Cc: HousingElements@hcd.ca.gov

February 2, 2023

To the City of Brisbane:

As we [wrote in September](#), the housing shortage in Brisbane demands “bold reforms” to ensure the City meets its fair share of the regional housing need. Since almost all of the City’s plan depends on one large development—the Baylands—we write with concern that [tonight’s draft housing element](#) does not make the Baylands’ timely development realistic.

Section 65583(c) of the Government Code requires the City to “remove” constraints on development where possible. (This is “appropriate” in a housing shortage.) The plan (pp. 5-6 to -8) only proposes by-right development in the Baylands at 20 units an acre, when much more is needed. The City reserves for later much “study,” “monitor[ing],” and “identify[ing]” when the surer course of action would be to legalize density *now*.

Brisbane has a rare vacant site that should be a shoo-in for affordable development. Please see to it that City permitting procedures do not stand in its way.

Sincerely,

Keith Diggs

Housing Elements Manager, YIMBY Law

keith@yimbylaw.org