

**From:** Jeremy Levine <jlevine@hlcsmc.org>

**Sent:** Wednesday, January 11, 2023 11:41 AM

**To:** Council Members <CouncilMembers@ci.brisbane.ca.us>; Planning Commissioners <PlanningCommissioners@ci.brisbane.ca.us>; Robbins, Jeremiah <jrobbins@ci.brisbane.ca.us>; Ayres, Julia <jayres@ci.brisbane.ca.us>; Viana, Alberto <aviana@ci.brisbane.ca.us>

**Subject:** Re: Comment on Brisbane draft housing element for planning commission and city council

Excuse me, I forgot to attach my comment letter!

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**Jeremy Levine (he • him)**

Policy Manager

Housing Leadership Council of San Mateo County

(925) 451-4620

On Tue, Jan 10, 2023 at 8:34 PM Jeremy Levine <jlevine@hlcsmc.org> wrote:

Good evening Brisbane city council, planning commission, and staff,

I am writing the attached comment on behalf of the Housing Leadership Council regarding Brisbane's draft housing element. For the reasons outlined in our letter, HLC believes that Brisbane's planning commission should instruct staff to make significant changes to the housing element before the city pursues adoption.

Thank you for your consideration,

Jeremy

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**Jeremy Levine (he • him)**

Policy Manager

Housing Leadership Council of San Mateo County

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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. HCD'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*