

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 3/27/14

**FROM:** Tim Tune, Special Assistant, via John Swiecki, Community Development Director

**SUBJECT:** Housing Element Update Study Session #3-B: Chapter IV, "Housing Constraints"

**INTRODUCTION:** The subject of this Housing Element Update Study Session is the analysis of governmental and nongovernmental constraints upon developing, improving and maintaining housing for all income levels. As recommended by the Department of Housing and Community Development, we will be updating Chapter IV, "Housing Constraints," from the 2007-2014 Housing Element to provide current data, evaluate efforts to address past constraints and identify new potential constraints.

**HOUSING ELEMENT COMPONENTS:** State law requires that the Housing Element include the following:

1. Analysis of Potential and Actual Constraints upon Maintenance, Improvement or Development of Housing for All Income Levels
  - A. Governmental constraints, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures [CGC 65583(a)(5)]
  - B. Governmental constraints that hinder the locality from meeting its RHNA and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters [CGC 65583(a)(5)]
  - C. Nongovernmental constraints, including the availability of financing, the price of land, and the cost of construction [CGC 65583(a)(6)]
2. Housing Needs Assessment [CGC 65583(a)]
  1. Analysis of opportunities for energy conservation, including weatherization and energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system [CGC 65583(a)(8)]

**ANALYSIS:** In updating Chapter IV, "Housing Constraints," most changes shown in red on the attachment replace outdated references with current information. These include zoning ordinance amendments that were adopted to address constraints identified in the 2007-2013 Housing Element. Comparisons have been added regarding the City's fees (2008-09 vs. 2013-14) and parking standards (current vs. draft).

Potential new programs regarding secondary dwelling unit fees and housing impact fees described in Section VI.1.1.4 have also been discussed in Chapter V (see Sections V.3.1 & V.3.7). A program regarding form-based codes would specify that they should be designed to encourage and facilitate residential development so as not to create new constraints to residential development (Section IV.1.1.5).

Section IV.1.1.6, "Constraints to Housing for Persons with Disabilities," has been updated and expanded to address the needs of persons with developmental disabilities. Like many segments of the community, persons with disabilities typically seek handicapped-accessible homes, available at low (subsidized) rents near public transportation. The Golden Gate Regional Center, which provides services and support to persons with developmental disabilities in San Mateo, San Francisco and Marin Counties, recommends that jurisdictions assist with identifying sites for low income development, adopt policies to promote accessible homes, enact inclusionary and mixed-use zoning, and promote secondary dwelling units (21 Element's City of Brisbane Housing Needs Assessment, page 35). In addition, please refer to the discussion of Universal Design Standards in the agenda report for Chapter V.

**CONTINUING THE UPDATE PROCESS:** Some portions of Chapter IV (shown in green) will continue to be updated so as to coordinate with changes in Chapters III and VI, particularly in regards to any programs to revise the current zoning districts. The references to the Redevelopment Low and Moderate Income Housing Funds will be revised once questions regarding the Housing Authority's potential powers are resolved. As draft ordinances currently before the City Council to update the Building Code and the parking ordinance proceed, the corresponding sections of this chapter will be updated. Sections IV.1.1.4, IV.1.2.1, IV.1.2.2 & IV.1.2.3 will be updated as information detailing development costs in Brisbane (compared to the County as a whole) become available.

In the next study session, the Planning Commission will review Chapter I, "Preparation of the Housing Element," and Appendices A & B to evaluate the 2007-2014 Housing Element's policies and programs for progress status, effectiveness and appropriateness. Upcoming study sessions will consider Chapter III, "Land Inventory and Identification of Adequate Sites for Regional Housing Needs," and Chapter VI, "Housing Goals, Quantifiable Objectives, Policies and Programs."

**ATTACHMENTS:**

Draft Update of Chapter IV, Housing Constraints  
HCD's Building Blocks for Effective Housing Elements: Constraints  
HCD's Sample Developmentally Disabled Analysis for the Housing Element

## IV. HOUSING CONSTRAINTS

### IV.1 CONSTRAINTS UPON THE SUPPLY OF HOUSING

The Housing Element is required to analyze potential and actual governmental and nongovernmental constraints upon the maintenance, improvement or development of all types of housing for all income levels, including for persons with disabilities. Governmental constraints include land use controls; building codes and their enforcement; site improvements, fees and other exactions required of developers; and local processing and permit procedures. Included with these are the availability and cost of water and energy. Governmental constraints that would hinder the City from meeting its share of the regional housing need and from meeting the housing needs for persons with disabilities, including developmental disabilities, specifically must be analyzed and eliminated. Nongovernmental constraints to be analyzed include the availability of financing, the price of land, and the cost of construction.

#### IV.1.1 Governmental Constraints

The City of Brisbane, a municipal government, has a legal obligation to abide by and implement the applicable policies, programs, and health and safety regulations of federal, state, regional and county agencies. The City's discretion on the application of many regulations is limited. The City's discretion is further constrained by its obligation to provide municipal services and to protect the health, safety and welfare of its citizens. Therefore, central to a City's function is the application of various policies, ordinances, and regulations. And critical to its function is the responsibility to assure that sufficient revenues are available to provide public safety and municipal services.

The discussion below focuses on these powers and obligations and examines to what extent housing constraints may exist and in what ways these constraints can be reduced or eliminated.

- Land-use controls (e.g., zoning-development standards, including parking, height limits, setbacks, lot coverage, minimum unit sizes, and growth controls)
- Codes and enforcement (e.g., any local amendments to California Building Code, degree or type of enforcement)
- On/off-site improvements (e.g., street widening and circulation improvements)
- Fees and exactions (e.g., permit and impact fees, land dedication and other requirements imposed on developers)
- Permit processing procedures (e.g., permit approval process including discretionary review procedures, designation of conditionally permitted uses, design review process)
- Constraints to housing for persons with disabilities, including developmental disabilities (e.g., reasonable accommodation procedures, zoning and building codes)

##### IV.1.1.1 Land Use Regulations

###### The General Plan

The Government Code of the State of California requires that the City of Brisbane adopt a General Plan, a

part of which is the Housing Element. Another is a Land Use Element, described in Section 65302(a) as follows:

A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space...education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. ... The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.

The General Plan for the City of Brisbane adopted in 1994 is currently being updated. The land use designations and density/intensity standards will have to be revised so as to maintain consistency with the [changes in some of the zoning districts proposed in the Housing Element](#). The Land Use Element's policies and programs will also have to be revised so as to be consistent with Government Code Section 65583.2 regarding affordable housing.

[See Programs H.B.1.d, H.E.1.c. & H.I.1.h.](#)

### **The Zoning Ordinance**

Zoning regulations, such as minimum parcel size, setbacks and parking requirements, limit the type and density of development on a site and therefore affect the land cost per unit, as land is typically marketed at a value commensurate with its development capacity. Requirements for the development of the land to meet health and safety and environmental concerns may additionally affect development costs.

The City's current residential development standards for the zoning districts permitting residential and mixed uses are provided in [Table 36](#). In those districts allowing multifamily housing, the standards do not typically pose a constraint on the development of affordable units, [as is discussed in Section III.1.3, Realistic Development Capacity](#). For example, the 60% lot coverage limit in the R-3 District would allow a building footprint of 9,000 sq. ft. on a 15,000 sq. ft. site, which would also accommodate the required 15 ft. front, 5 ft. side and 10 ft. rear setbacks. The 0.72 maximum floor area ratio would permit a 10,800 sq. ft. building, not including the required covered parking. Whether the 28 ft. height limit [\(on sites with a slope of less than 20%\)](#) could accommodate a three-story building would depend upon ceiling heights and accessibility requirements. The 10 units allowed under the maximum unit density of 1 unit per 1,500 sq. ft. could feasibly be accommodated within such a building envelope, along with a common garage to meet the parking requirements. The permitted building envelope would be large enough to encourage a developer to make at least some of the units affordable to those with low- and/or very-low-incomes so as to qualify for a density bonus.

In order to accommodate the City's RHNA share for very low and low income households, zoning amendments are proposed to permit residential uses by right with a minimum density of at least 20 units per acre in new zoning [districts](#), per Government Code Section 65583.2(c)(3)(B)(iii) & 65583.2(h). Height limits would be [set](#) to assure that 3-story buildings can be accommodated. [These zoning changes are identified in Table 37](#). Provisions [have already been adopted to allow](#) single-room occupancy units, supportive housing and transitional housing [no differently from other dwellings of similar unit densities \(BMC Section 17.02.235 amended in 2011\)](#) and to permit emergency shelters [without Use Permit approval in the SCRO-1 District \(per Ordinance No. 564 adopted in 2011\)](#).

The City's parking requirements have proven to be a more difficult issue to resolve. As directed by previous Housing Elements, the City reviewed its requirements with the intention of uniformly tying them to unit floor area [and/or number of bedrooms](#) for all types of residential dwellings, in part to encourage smaller, more affordable units. Ordinance revisions [recommended by the Planning Commission are](#)

currently under review by the City Council prior to adoption. In particular, these would reduce the parking requirements for small units.

**Table 40.**

**Comparison of City of Brisbane Current and Draft Revised Residential Parking Standards**

		Current	Draft
<b>Single-Family Residences</b>			
	25 ft. wide lot	1 off-street + 1 covered	
	Studio/1-BR not > 900 sq. ft.		1 off-street
	All others not > 1,800 sq. ft.		1 off-street + 1 covered
	>25/<37.5 ft. wide lot	1 on/off-street + 2 covered	
	>1,800 sq. ft. on <37.5 ft. wide lot		2 off-street + 1 covered
	37.5+ ft. wide lot	2 on/off-street + 2 covered	
	>1,800 sq. ft. on 37.5+ ft. wide lot		2 on/off-street + 2 covered
<b>Secondary Dwelling Units</b>			
	Not >900 sq. ft. and not >1-BR	2 on-site	1 off-street
	>900 sq. ft. or >1-BR	2 on-site	2 off-street
<b>Duplex/Multi-Family Dwelling Units</b>			
	Studio	1 off-street	1 on-site
	1-BR not >900 sq. ft.	1 ½ covered	1 covered
	1-BR >900 sq. ft.	1 ½ covered	½ on-site + 1 covered
	2-BR	1 ½ covered	½ on-site + 1 covered
	3-BR or more not >2,700 sq. ft.	2 covered	1 on-site + 1 covered
	3-BR or more > 2,700 sq. ft.	2 covered	2 on-site + 1 covered

BR = Bedroom

sq. ft. = square feet of floor area

Reductions in the parking standards may be granted as an incentive or concession under the City's density bonus ordinance adopted in 2009 (see Brisbane Municipal Code Section 17.31.010.H). At that same time, the City adopted inclusionary housing requirements intended to coordinate with density bonus provisions. Projects of 6 or more residential units for sale are required to include roughly 10% of the units as affordable to moderate-income households and roughly 5% of the units as affordable to low-income households. As incentives, inclusionary units are permitted to be smaller in size than or of different unit types from the market-rate units, and may have different interior finishes or features than market-rate units, as long as the finishes and features are durable and of good quality. A procedure for waiving the inclusionary housing requirement is also provided (there are no provisions for in-lieu fees, though). While no projects have yet to be approved under the new requirements, two projects (at 3750-3780 Bayshore Boulevard and 1 San Bruno Avenue) were approved before 2009 with similar requirements for the inclusion of affordable units at the currently adopted ratios. These requirements did not prove to be a hindrance to the development of either project; the mixed-use project at 1 San Bruno Avenue was completed in 2008, and a building permit was processed for the 30-unit complex at 3750-3780 Bayshore Boulevard.

See Programs H.B.1.a, H.B.1.b, H.B.1.c, H.B.1.c, H.B.1.f, H.B.1.g, H.B.3.i, H.D.1.b, H.D.1.c, H.D.1.d, H.I.1.b & H.I.1.c

**Other Land Use Controls**

Environmental and engineering design requirements affect costs. For example, detailed grading and



foundation plans and geologic studies typically are required for a project proposed to be built on steep slopes or potentially unstable soils, and such studies are generally costly. Yet, without such controls, unsafe conditions could be passed on from a developer to a homeowner or tenant and to the community. The potential losses in property damage and personal injury from landslide or slope failure would far exceed the investment needed to assure that these impacts would not occur.

Since private development has the potential to create situations that would result in impacts and costs being borne by subsequent owners, neighbors and the overall community, it is the policy of the City of Brisbane to make certain that the costs of a development are made the responsibility of the development unless a specific subsidy is provided. This is an important principle. To understand it, there must be a clear distinction between cost reduction and cost shifting.

More specifically, large portions of the vacant lands within the City of Brisbane are subject to environmental regulation under the Endangered Species Act, the California Environmental Quality Act, and other federal and state regulations, that constrain the residential development potential of these areas (see [Table 38](#)). For example, 40% of the Brisbane Acres and Southwest Bayshore subareas must be set aside as conserved habitat under the provisions of the San Bruno Mountain Area Habitat Conservation Plan. To help mitigate this constraint, the City provides a Transferable Development Right program in the Brisbane Acres subarea and a new program to also permit clustered development is proposed.

See Programs [H.B.1.b](#), [H.B.6.a](#), [H.H.2.b](#), [H.H.2.c](#), [H.H.2.d](#), [H.I.2.a](#) & [H.I.2.b](#)

#### ***IV.1.1.2 Codes and Enforcement***

The City adopts the State building and fire codes which set standards for construction. These codes establish minimum safety standards, and therefore should not be considered a constraint to housing development. Currently, the City **is in the process of adopting the 2013** editions of the California Building **Standards** Code and other related codes. Local amendments are limited to minor administrative procedures and requirements for automatic fire extinguishing systems for all new residential structures and additions or alterations exceeding 50% of the building's original gross area. This requirement for additional fire protection was found necessary due to the areas of high fire hazard on San Bruno Mountain. The cost of including fire sprinklers in residential projects does not appear to be a significant constraint

Building permit administration is done by the Community Development Department. Plan check and inspection of construction are done by consultants under contract to and under the supervision of the City. Single-family and small multi-family permits typically receive a first plan check response within 2 to 3 weeks from submittal. Revisions may be required if the accuracy of the plans is poor or if the plans are incomplete. Inspections are provided within 24 hours of a request. Staffing levels are evaluated yearly as part of the City's budget process

The City funds a Code Enforcement Officer to respond to problems on a complaint basis. The Code Enforcement Officer works closely with the building inspector and the San Mateo County Environmental Health Division to respond to housing-related problems. Response is generally immediate.

Consistent with the intent of Health and Safety Code Section 17980(b)(2), the City gives preference to the repair of buildings when economically feasible, as opposed to ordering that residential units be vacated and demolished, reducing the City's housing stock. The City has a long-standing policy of encouraging the maintenance and improvement of nonconforming residential uses and structures.

See Programs H.B.9.d, H.C.1.a, H.C.1.b, H.C.1.c & H.C.1.d.

#### ***IV.1.1.3 On/Off-site Improvements, Residential Utilities and Infrastructure***

Governmental standards for on/off-site improvements, such as requirements to widen streets and provide sidewalks, may result in development costs that constrain the provision of housing. The question of whether such standards exceed those necessary to protect public health and safety is addressed in this subsection.

Another potential constraint upon the provision of housing is the availability and cost of utilities, most significantly water and energy, and the infrastructure to deliver them. Table 38 analyzes the availability of utilities and infrastructure to serve sites to meet the City's RHNA share during the planning period. This subsection also addresses opportunities for water and energy conservation as a means of minimizing the impact of these utilities upon the provision of housing.

##### **Infrastructure Improvements**

Almost all of the arterial, collector and local streets in Brisbane operate at good levels of service. Within the Central Brisbane and Brisbane Acres subareas, there are dead-end streets and bottlenecks due to narrow pavement with on-street parking. Street widening to the California Fire Code's 20 ft. minimum width for the property's full frontage is required for new construction or substantial improvement on a case-by-case basis. Additional width may be required, depending upon whether on-street parking will be provided on one or both sides (Brisbane Municipal Code Section 12.24.010.B.1). Maximum street slope for emergency vehicle access is 15%, with limited exceptions. Sidewalks are required where terrain permits. These requirements have not proven to be a significant obstacle to development (note that new houses continue to be built on Humboldt Road and other streets in upper Central Brisbane as listed in Appendix A).

For secondary dwelling units, inadequate street width may be a greater concern. Brisbane Municipal Code Section 17.43.030.H requires that, "The site on which the secondary dwelling unit is located shall have a legal means of access which complies with the standards set forth in Section 12.24.010." In practice, secondary dwelling units have been treated as any other remodel or addition to a single-family residence in terms of requirements for street widening and dedications. The standard triggers for street widening/dedication are:

1. Reliance upon on-street parking on streets that are not wide enough to meet the on-street parking standards (BMC Sections 12.24.010.B.1 & 17.34.010),
2. Additions or alterations in excess of fifty percent of value or area of the pre-existing building or structure" (BMC Sections 15.08.140 & 17.01.060.C.1), and
3. Additions exceeding 100 sq. ft. to an existing building on a private street (BMC Section 17.01.060.B.4).

These triggers tend to encourage secondary dwelling units that require minimal new construction and little change to the exterior of the building. Revising the parking requirements (Programs H.I.1.b and H.I.1.c) may help reduce the impact of street width as a constraint, particularly for small secondary dwelling units.

Where existing substandard private roadways are to be dedicated to the public, the entire length from the development site to the nearest public street must be improved to City standards, with turnaround capability as required by the Fire Chief. For those private roadways (including Annis, Gladys and Harold Roads and Joy, Margaret and Paul Avenues) having a potential right-of-way width less than the State's 40

ft. standard, special findings must be made for approval by the City Council per BMC Section 12.24.010.D, unless additional right-of-way is dedicated by the abutting property owners.

Street improvement projects of this magnitude would typically be dependent upon the cooperation of the other property owners along the private roadway, who would have to agree to the formation of an assessment districts to take on such a project. To address this situation, the City encourages the formation of assessment districts where appropriate (1994 General Plan Program 51a/draft General Plan update Program TC.6.f).

To maintain acceptable levels of service at the intersection of Bayshore Boulevard and San Bruno Avenue, signalization with lane reconfiguration will be needed. The draft General Plan update calls for development of a program of traffic impact fees to fund these improvements. **In the meantime, mitigation measures have been adopted on a project by project basis to defer payment until the total costs of the improvements are calculated and the fees formally adopted.**

Residential development in Brisbane depends for the most part on aging sewer, water and storm drainage infrastructure. The City, through its Capital Improvement Program, typically provides for the maintenance, upgrade and replacement of residential infrastructure in annual increments, as funds are available. Infill residential projects are not subject to infrastructure impact fees, and required improvements to sewer, water and storm drain lines are limited to those directly affected by the project.

Brisbane has a contract with the City and County of San Francisco for treatment of 6.0 million gallons per day (mgd) dry weather sewage flow. Brisbane's sewage is pumped to the Southeast Wastewater Treatment Plant. That treatment plant has a design capacity of 84 mgd. The City's Sewer Master Plan projects that dwelling units in medium density apartment complexes, multiple use residential projects, and planned developments generate 90 gallons per day, while single family homes generate 105 gpd/du. The San Francisco Public Utilities Commission has not indicated any insufficient treatment capacity to meet its commitments. The availability of sewage treatment does not act as a constraint to the production of housing.

See Programs H.D.1.a, H.H.1.b, H.I.1.b and H.I.1.c.

### Water

As noted in Table 38, water supply in general is not considered a constraint for the infill housing development envisioned during the planning period of this Housing Element. The City of Brisbane receives its water supply from the City and County of San Francisco's Hetch Hetchy reservoir and water delivery system as a member of the Bay Area Water Supply and Conservation Agency through various agreements. The City's total entitlement is 0.981 million gallons of water per day. The City's Water Master Plan projected water consumption rates of 140 gallons per day per single-family dwelling unit and 125 gpd per high-density dwelling unit. In actuality, the per capita water consumption rate for 2011-12 was 50.4 gallons per capita per day—one of the lowest residential rates on the San Francisco Peninsula. Programs are proposed in the Housing Element to continue to encourage water conservation. In addition, the City's landscape requirements are minimal (typically only 15% of the front setback area), with credit given for non-water-consuming ornamental materials.

No residential projects are foreseen during the planning period that will exceed the 500 dwelling unit threshold set by Government Code Section 66473.7, Public Resources Code Section 21151.9 and Water Code Sections 10910-10912 for requiring an analysis of the public water system's urban water management plan to determine if there is sufficient water supply available in a 20-year project for the demand generated by the project. Per Government Code Section 65589.7, Housing Element Program H.B.3.j will establish specific procedures to grant priority water and sewer service to housing with units



affordable to lower-income households.

See Programs H.B.3.j, H.F.3.a and H.F.3.b.

### **Energy**

Increases in energy costs affect housing costs, particularly in terms of space and water heating, with lighting, refrigerators, and other home uses making up the balance. In Brisbane, nearly all homes use natural gas for space and water heating. Slightly over half the homes use natural gas for cooking, and the other half use electricity.

Many of the older homes in Brisbane are inefficient energy users. Outside air infiltration through windows, doors, ceilings and walls can account for up to 50% of heating costs. Weatherization of homes, including caulking, weatherstripping windows and doors, installing wall and ceiling insulation, and water heater insulation and setting back the thermostat can reduce energy consumption substantially.

The key to effective energy conservation is to assure that the construction and amortization costs of the energy-conserving devices/techniques do not outweigh anticipated energy costs or unnecessarily drive up the cost of housing. For example, although there would be an up-front cost to install photovoltaic panels, the investment would be recovered in the long term through energy savings. Many issues in this regard need to be resolved before the community at large can benefit from new technology.

There are a number of government and utility sponsored energy/conserving programs that are available that can assist an individual household with immediate benefit. These programs include free energy audits and rebates or financing programs for energy efficient appliances and energy-conservation upgrades to homes.

The City plays an important role in creating more energy efficient residences in Brisbane. New residential construction and substantial renovation must abide by State energy conservation standards (Title 24). Larger residential projects must be designed to address natural heating and cooling, use of natural daylight, and, if feasible, solar energy. Residential projects of 20 or more units are specifically subject to the City's Green Building Ordinance (Brisbane Municipal Code Chapter 15.80). The City also promotes the use of existing energy conservation programs. Concerns regarding the impact of vehicle miles traveled and greenhouse gas emissions upon global warming have prompted greater efforts toward encouraging compact, in-fill, mixed use and transit oriented development.

See Programs H.E.1.d, H.F.1.a, H.F.2.a, H.F.2.b, H.F.2.c, H.F.4.a, H.G.1.a and H.G.1.b.

#### ***IV.1.1.4 Fees and Exactions***

From the perspective of a local government, fees are related to the real costs of providing service and generally, by law, cannot exceed these costs. When a fee for service is waived for a project, the costs are still there and are, in fact, shifted. Someone else pays. In a small community like Brisbane, there is little opportunity to shift and spread costs to such an extent that they have minimal impact on others.

A fee waiver is a subsidy to the project from another source. When cost shifting to benefit housing development is deliberate, for example when fees and charges are paid from funds earmarked to support housing projects such as Redevelopment Low and Moderate Income Housing Funds, costs would not be shifted to a population that may not have the ability to shoulder the burden. If costs cannot be shifted, the result may be a deterioration or elimination of service, adversely affecting housing quality and availability.

Who pays for services and the impacts of development is a policy decision that each City Council must make. The policy decision is expressed in a number of ways. Sometimes it is as a condition of approval for a project. Sometimes it is a part of an administrative mechanism of the City. For example, the City of Brisbane adopted a master fee schedule (originally via Ordinance No. 386 in 1993) that subsidized, through the General Fund, the planning permits required to improve and upgrade the local housing stock. The recovery of costs from applicants for these types of permits was set at 25% of the cost. In 2011, a processing time study was conducted. Planning application fees were revised accordingly, and although the subsidies were eliminated, many other fees were reduced. Currently, planning permit fees are adjusted annually for inflation (Table 41).

**Table 41.**  
**Comparison of City of Brisbane**  
**Building and Planning Processing Fees**  
**(Fiscal Years 2008-09 and 2013-14)**

Application Type	2008-09	2013-2014
Design Review	\$2,217	\$1,508
Secondary Dwelling Unit Permit	\$609	\$606
Use Permit for Condominiums	\$1,949	\$1,226
Use Permit for Nonconforming Parking	\$377	\$1,024
Variance for New Construction	\$1,333	\$1,136
Variance for Remodeling	\$333	\$851
Tentative Parcel Map	\$4,032	\$2,507
Final Parcel Map	\$403 + hourly	\$453 + hourly
Tentative Subdivision Map	\$2,933 + \$275/lot	\$2,507 + \$275/lot
Final Subdivision Map	\$403 + hourly	\$5,789 + \$500/lot
Environmental Review— Initial Study/Negative Declaration*	\$1,505	\$2,218
Building Permit Plan Check	\$0.37/sq. ft.	\$0.37/sq. ft.
Building Permit & Inspection	\$0.74/sq. ft.	\$0.74/sq. ft.

\*Not including California Department of Fish & Game filing fees

According to a 2008 survey of jurisdictions in San Mateo County, the City of Brisbane's fees for a typical single-family residence were three-quarters of the average/median for those jurisdictions responding (Table 42). The difference was due, in part, to the City's exemption of single-family residences from design review and the low building permit and plan check fees (which have not been raised since 2002). According to the same survey, the City of Brisbane's fees for a typical condominium project were approximately 10-15% higher than the average/median for those jurisdictions responding (Table 43). The difference here was the City's high per-unit water and sewer capacity charges. Without subsidy funds available from sources other than user fees, such fees are necessary to cover the cost of the capital projects needed for the two systems, invariably affecting housing costs.

**Table 42.**  
**Average Development Fees for**  
**2,400 Sq. Ft. Single-Family Dwelling**  
**(2008)**

Location	Planning & Building Fees	Impact Fees	Total Fees
Brisbane	\$5,808	\$15,361**	\$21,169
Average of Jurisdictions in San Mateo County*	\$14,813	\$13,146	\$27,959
Median of Jurisdictions in San Mateo County*	\$12,775	\$10,808	\$27,908
Range of Jurisdictions in San Mateo County*	\$5,808-\$22,879	\$5,449-\$24,466	\$17,843-\$45,371

\*14 jurisdictions responding.

\*\*Including \$7,128 in school district fees.

Source: 21 Elements (C/CAG)

**Table 43.**  
**Average Development Fees for**  
**10-Unit (Each 1,200 Sq. Ft.) Condominium Project**  
**(2008)**

Location	Planning & Building Fees	Impact Fees	Total Fees
Brisbane	\$45,156	\$157,059**	\$202,215
Average of Jurisdictions in San Mateo County*	\$63,318	\$118,757	\$182,075
Median of Jurisdictions in San Mateo County*	\$56,306	\$90,095	\$176,663
Range of Jurisdictions in San Mateo County*	\$40,082-\$146,263	\$25,927-\$310,525	\$71,642-\$356,297

\*10 jurisdictions responding.

\*\*Including \$35,640 in school district fees.

Source: 21 Elements (C/CAG)

To encourage the least impactful secondary dwelling units, the administrative Secondary Dwelling Permit fees for units created within the building envelope of existing single-family residences could be reduced to reflect the less staff time required to process them.

In the case of the Habitat for Humanity affordable housing projects developed in 2006, Redevelopment Agency Low and Moderate Income Housing Funds were used to acquire the land and fund construction loans for the development, which were then used to pay the fees. The City has also adopted a density bonus ordinance which provides for the waiver of fees, as well as deferral of impact fee collection for market-rate units, as potential incentives and concessions. Such means could be used to mitigate the financial impact of fees upon the development of affordable housing, including single-room occupancy units, supportive housing, transitional housing, and emergency shelters.

In addition to the standard fees, the City requires that residential subdivisions (including parcel maps) dedicate land for park and recreational purposes or pay an in-lieu fee, consistent with State law. In-lieu fees are calculated as a percentage of the value of land and have lately been \$785 per residence for small subdivisions. Unlike most fees that are collected prior to issuance of building permits, these are due upon issuance of the certificate of occupancy.

To help fund the County-wide National Pollutant Discharge Elimination System program, an annual

parcel tax of \$9.48 is levied for single-family residential developed properties and \$21.64 for properties developed with multi-family high density residential, with charges for vacant land based upon acreage. **These amounts remain unchanged from when the previous Housing Element was adopted.**

The Jefferson Union School District **adopted** a \$2.97 per square foot school impact fee for residential development **in 2012**. **Per Government Code Section 65995(b), the State Allocation Board authorized school districts to increase the fee by almost 5% in 2014.** No other standard impact fees are charged in Brisbane.

It should also be noted here that, in order to meet the street widening requirements described above, dedication of land as public right-of-way is occasionally necessary.

**If the City chooses to adopt a housing impact fee to finance affordable rental housing development, means to reduce or waive the fee for affordable housing projects should be considered. To further reduce the impact of such a fee upon housing affordability, it may be advisable to base the fee on square footage, rather than per unit.**

See Programs H.B.9.k and H.H.1.a. [note new programs regarding secondary dwelling unit fees and housing impact fees]

#### ***IV.1.1.5 Permit Processing Procedures***

The overwhelming majority of residential permits processed in the City of Brisbane are for individual single-family and small multi-family projects. Often the applicant is unsophisticated in the preparation of plans and the application of zoning requirements and design standards. Although the Community Development Department has a small staff, it is organized so that at any time in the work week, including Wednesday evenings, an applicant can come to the counter for advice and assistance. Staffing levels are evaluated yearly as part of the City's budget process to assure prompt service in compliance with State timelines.

Single-family and duplex residential infill projects are **typically** exempt from discretionary review under the Zoning Ordinance in districts where such uses are permitted. Ministerial review (through building permit applications) for such projects typically takes **3 weeks**. Secondary dwelling units are subject to an administrative permit approval (in addition to building permit approval) that generally requires **4 weeks** to process. Multi-family development is subject to design review by the Planning Commission. Typically, a complete design review application is heard before the Commission within **one month to two months**, depending upon environmental review requirements (see above). Any required Use Permit (**Table 41**) would be processed concurrently.

The design review of multi-family housing does not appear to be a constraint on the production of affordable housing in Brisbane. Unlike many communities, Brisbane encourages diversity of design and individual expression in residential development (1994 General Plan Policies 20 & 21) and, as a result, design review focuses on issues of safety and suitable, efficient site design, which often results in projects that are more functional and have fewer problems in construction. The design review findings **updated in 2011 (Table 44)** are clearly articulated, and the standards for development unequivocal, so that developers who prepare their submittals in accordance with ordinance requirements can take advantage of the City's commitment to efficient processing.

As noted above, the City has yet to adopt revised parking requirements; although, a new set of standards based upon building square footage **and/or number of bedrooms** was recommended by the Planning



Commission. In the meantime, the Commission has **relied upon** these recommended standards as the basis for granting Use Permits to modify the parking requirements for a number of **proposed** single-family residential additions, secondary dwelling units, duplex additions and new single-family residences. Revision of the Zoning Ordinance would streamline processing and encourage smaller, more affordable units.

In order to accommodate the City's RHNA share for very low and low income households (page III-1), zoning amendments are proposed to permit owner-occupied and rental multifamily residential use by right (without a Use Permit) **in new zoning districts**. The Design Permit provisions applicable to multiple family dwellings in **these zoning districts** would be amended per the Government Code to include objective, quantifiable development standards (form-based codes) to non-subjectively address concerns that would otherwise be taken care of through discretionary design review approval. Form-based codes utilize predefined physical forms as the organizing principle, addressing the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks where applicable. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form, scale and character of a development. Presumably, this limited Design Review process will also limit the impact of what some may consider to be the nongovernmental constraint of neighborhood opposition to such types of development.

**Specifically, any adopted form-based codes should be designed to encourage and facilitate residential development. The permitting requirements, decision making standards and level of review under the codes should avoid creating new constraints to residential development. In mixed-use districts, the codes should incorporate means to make certain that the residential component needed to meet the regional housing need could be provided during the planning period in conjunction with any commercial development, given any adopted height limit or maximum floor area ratio.**

Transitional and supportive housing **are** treated the same as other residential uses **per BMC Section 17.02.235 amended in 2011**. Emergency shelters **have been** made a permitted use (not requiring a Use Permit) exempt from Design Review but subject to objective development standards in the **SCRO-1 District**. Single-room occupancy units intended as supportive housing **are** conditionally permitted in the SCRO-1 District, as **are** multiple-family dwellings and hotels.

To avoid potential constraints to the development of market-rate owner-occupied and rental multifamily residential projects in the existing residential and mixed use districts, the Design Permit findings **(Table 44) were revised in 2011** to provide more certainty in the permitting process by eliminating vague phrasing. **In addition, consistent with Government Code Sections 65589.5(d), (i) & (j) and 65583.2(i), special findings were adopted regarding design permits for affordable housing developments, and emergency shelters with no more than 12 beds were exempt from design review per Government Code Section.**

Tentative subdivision maps are reviewed by the Planning Commission, with final subdivision maps requiring City Council approval. Due to the site and environmental constraints involved with the vacant tracts of land left in Brisbane, subdivisions typically take much longer to process. Once a complete application is submitted, residential parcel maps typically take 2 months to be approved by the Planning Commission and an additional 3 months to be approved by the City Council. Planned Development permits require a similar process for approval. **Per the 2007-2014 Housing Element, the Municipal Code was amended in 2012** to simplify the processing of subdivision modifications and to clarify the "substandard lot" provisions to provide more housing opportunities. Condominiums require approval of a tentative map, condominium plan, Use Permit and waiver of a final map. This somewhat cumbersome

process typically took 2 months to be approved by the Planning Commission before it was refined in compliance with State law in 2013.

See Programs H.B.1.a, H.B.1.c, H.B.1.f, H.B.1.g, H.B.3.i, H.B.4.a, H.D.1.d, H.I.1.a, H.I.1.b, H.I.1.d, H.I.1.e and H.I.1.f. [include new program regarding form-based codes]

To help address mortgage constraints for low- and moderate-income buyers, the City will continue and expand its first-time homebuyer program. To help address construction loan constraints for affordable housing developers, Redevelopment Agency Low and Moderate Income Housing Funds can be used to subsidize development costs in privately financed residential and mixed-use projects.

See Programs H.B.9.e and H.B.9.f.

## BUILDING BLOCKS FOR EFFECTIVE HOUSING ELEMENTS



### Constraints

The element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for persons with disabilities. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing. The analysis should determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a jurisdiction from meeting its housing needs.

### Land-Use Controls



The constraint analysis must identify all relevant land-use controls such as zoning, development standards, and any growth controls and analyze impacts on the cost and supply of housing. An adequate evaluation must assess the cumulative impacts of standards, including whether such requirements impede the ability to achieve maximum allowable densities.

### Fees and Exactions



The element must identify permit processing and planning fees and development and impact fees and exactions for impacts on the cost, feasibility, and affordability of housing. The analysis should include an estimate of the average fees for typical multifamily and single-family developments.

### Processing and Permit Procedures



Permit processing requirements must be identified and analyzed for their impacts on housing supply, affordability and development certainty. The element must describe and analyze the types of permits required, by housing type, extent of discretionary review including required approval findings, procedures, and processing time required for residential development by zoning district and housing type.



## **Codes and Enforcement and On/Off-Site Improvement Standards**



The element must describe the building code adoption and enforcement process, including identification of any local amendments to the Uniform Building Code (UBC) and how building code enforcement is carried out by the jurisdiction. The element must also describe and analyze the impact of on- and off-site improvement standards including street widths, curb, gutter, and sidewalk requirements, landscaping, circulation improvement requirements and any generally applicable level of service standards or mitigation thresholds.

## **Constraints-Housing for Persons with Disabilities**



The housing element must identify governmental constraints to the development, improvement and maintenance of housing for persons with disabilities including identifying local efforts to remove any such constraints and identifying procedures for reasonable accommodations for persons with disabilities in zoning.

## **Non-Governmental Constraints**



Although non-governmental constraints are primarily market-driven and generally outside direct local government control, localities can significantly influence and offset the negative impact of non-governmental constraints. The element must analyze the impacts of the cost of land, construction costs, and the availability of financing.

## Land-Use Controls

*Government Code Section 65583(a) requires "An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures..."*

Although local ordinances and policies are enacted to protect the health and safety of citizens and further the general welfare, it is useful to periodically reexamine local ordinances/policies to determine whether, under current conditions, they are accomplishing their intended purpose or if in practice constitute a barrier to the



maintenance,  
levels.

improvement or development of housing for all income

Such an examination may reveal that certain policies have a disproportionate or negative impact on the development of particular housing types (e.g., multifamily) or on housing developed for low- or moderate-income households.

Ordinances, policies or practices which have the effect of excluding housing affordable to low- and moderate-income households may also violate State and federal fair housing laws which prohibit land-use requirements that discriminate or have the effect of discriminating against affordable housing.

The analysis of potential governmental constraints should describe past or current efforts to remove governmental constraints. Where the analyses identifies that constraints exist, the element should include program responses to mitigate the effects of the constraint. Each analysis should use specific objective data, quantified where possible. A determination should be made for each potential constraint as to whether it poses as an actual constraint. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing.

## REQUISITE ANALYSIS

The element should identify all relevant land-use controls, discuss impacts on the cost and supply of housing and evaluate the cumulative impacts of standards, including whether development standards impede the ability to achieve maximum allowable densities. The analysis must also make a determination whether land-use controls constrain the development of multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. The types of land-use controls appropriate to analyze will vary from jurisdiction to jurisdiction.

The following is a list of typical development standards which should be identified and analyzed by zoning category:

- density
- parking requirements (including standards for enclosed or covered and guest spaces)
- lot coverage
- height limits
- lot size requirements
- unit size requirements



2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.
3. This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section, subject to subdivision (d).

## Height Limits

Limitations on height can constrain a development's ability to achieve maximum densities especially in culmination with other development controls. Height limits of two stories or less in multifamily districts is one example of development standards that can constrain achieving maximum densities.

In addition, the analysis should identify floor area ratios and any underlying development standards for mixed-use districts and evaluate the cumulative effect of development standards such height limits on the ability to achieve maximum permitted densities and the cost and supply of housing.

## Growth Control or Similar Ordinances

Ordinances, policies, procedures, or measures imposed by the local government that specifically limit the amount or timing of residential development should be analyzed as potential governmental constraints and mitigated, where necessary. The analysis will vary depending on the nature of the measure. In general, the measure and its implementation procedures must specifically be described and analyzed for their impact on the cost and supply of housing.

For ordinances which control the number and timing of permits, the element must describe any permit allocation process, allocation timing, specific limits on the number of permits issued per project type, any affordable housing incentives in the allocation process, the method of determining the number of permits to be issued annually and the basis for this determination.

The analysis must also identify and analyze process impacts such as application procedures and requirements (e.g., design review, limits of number of permits or size of project, length of approval, discretionary approval, and how the ordinance operates with rest of the entitlement process, carryovers, and financing of the project).

The analysis should demonstrate how the policy or ordinance accommodates the locality's current RHNA for all income groups. If it does not, the element must include a program to mitigate the impacts of the ordinance and allow accommodation of the total housing need.

Examples of types of policies or requirements that should be analyzed include:

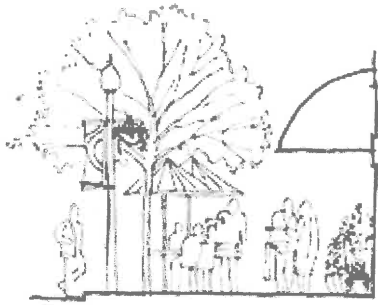
- systematic (area-wide) residential down-zoning;
- urban limit line, growth boundaries, or perimeter greenbelt;
- annexation restrictions;
- building permit or other residential development caps;
- voter approval for up-zoning, rezoning or general plan changes;
- legislative super-majority for up-zoning, rezoning or general plan changes;
- systematic changes to local height and FAR regulations; and
- adequate public facilities ordinances.

The element should not only demonstrate the jurisdiction can accommodate the RHNA at minimum, but must also analyze the impact of the growth management or controls process and procedure on the cost and affordability of housing. Even if the growth control ordinance allows the community to meet its entire RHNA, the ordinance may still be a constraint that requires mitigation because of increased processing costs or timing delays.

The RHNA should not be considered or treated as a ceiling on the development of housing or as a basis for denying housing applications.



## Form Based Codes



Jurisdictions that have adopted form-based codes should clearly describe and analyze the following to ensure that the code encourages and facilitates residential development:

### Realistic Capacity

- Describe the relationship between General Plan land-use designation and the form-based code. In particular, 1) describe where residential development is allowed; 2) how density requirements found within the General Plan are incorporated; and 3) how the zoning designations under the form-based code relate to the land-use designations of the General Plan.
- The element must describe methodology used to estimate a reasonable residential capacity within the planning period. This methodology should describe density assumptions and consider development standards; buildings types, and use requirements.

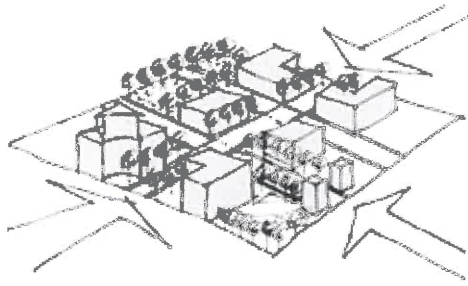
### Certainty for Residential Development

- Describe the type of the form-based code. For example, some codes only apply to specific areas of the jurisdiction, while others completely replace the older versions of the zoning code or are hybrids between the form-based code and older versions of zoning code.
- Describe performance standards or processes required for residential development under the form-based code. For example, the element could describe permitting requirements, decision making standards, and level of review for residential development in zones regulated by form-based codes.
- Describe any competing uses allowed in building types designated for residential use. If there is not some certainty in the development of residential uses on those sites identified in the sites inventory but are encouraged by incentives only, the element should demonstrate development trends and anticipated uses or include additional provisions.

### Zoning Standards Appropriate to Facilitate Residential Development:

- Describe and analyze development standards regulating housing. The analysis must include a description of how the code controls form, bulk, building types, performance standards (e.g., ground floor commercial, 30 percent commercial etc), uses, and any related design criteria.

### HELPFUL HINTS



Contact local affordable and market-rate housing developers to evaluate land-use controls for possible constraints. The local chapter of the Building Industry Association (BIA), Non Profit Housing of Northern California (NPH), the Southern California Association of Non-Profit Housing (SCANPH), and the San Diego Housing Federation can provide information regarding the developers who are active in the region (see IV. links).

In addition, service providers may provide additional insights on the housing needs of the special needs population such as appropriate unit size for single-room occupancy units or senior housing and the types of services necessary for supportive housing.

## Parking

The following are strategies where pricing, supply, and management of motor vehicle parking serving Housing Development near transportation promote economic efficiency.

- Parking is priced to cover the full capital and operating costs of the parking, and paid for separately, rather than bundled with the cost of the housing.
- Provide to residents free transit passes or discounted passes priced at no more than half of retail cost.
- Provide shared-parking between different uses, such as parking that serves housing residents at night and retail customers by day.
- Provide dedicated parking spaces for shared-vehicle only parking.
- Provide for no more than the following maximum parking spaces excluding park-and-ride and transit station replacement parking.

### MAXIMUM PARKING SPACES

Project Location Designation	Bedrooms per Unit	Maximum resident and guest parking spaces per unit
Large City Downtown	0-1	1.0
	2+	1.5
Urban Center	0-1	1.25
	2+	1.75
All Other Areas	0-1	1.5

# Fees and Exactions

*Government Code Section 65583(a) requires "An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels...including...fees and other exactions required of developers, and local processing and permit procedures..."*

Housing development is typically subject to two types of fees or exactions:



- permit processing fees for planning and zoning; and
- impact fees or exactions, imposed to defray all or a portion of the public costs related to the development project.

These fees and exactions can impact the cost, and feasibility of housing development and its affordability, and involve issues of private property rights. High planning and site development fees can impact property owners' ability to make improvements or repairs, especially for lower-income households. Development projects are subject to fees and exactions from a growing number of public entities, ranging from special districts to regional agencies. It is important to estimate the cumulative amount of fees housing development will be subject to for development of viable proposals; information about the City or County's fees and exactions is among the most critical. For both processing fees and impact fees, State law specifies procedural and nexus requirements:

- Government Code Section 66020 requires that planning and permit processing fees do not exceed the reasonable cost of providing the service, unless approved by the voters; agencies collecting fees must provide project applicants with a statement of amounts and purposes of all fees at the time of fee imposition or project approval.
- Government Code Section 66000 et. seq. (Mitigation Fee Act) sets forth procedural requirements for adopting, and collecting capital facilities fees and exactions, and requires they be supported by a report establishing the relationship between the amount of any capital facilities fee and the use for which it is collected.

## REQUISITE ANALYSIS

- Identify and analyze permit processing and planning fees, and development and impact fees and exactions and how they have been established relative to the above statutory requirements, including any in-lieu fees.
- Identify exactions such as land dedication requirements (e.g., streets, public utility and other right-of-ways, easements, parks, open space, etc.) and other exactions imposed on development.

### CITY OF ANAHEIM

The Anaheim City Council recently approved an Economic Stimulus Package for Residential Development that will create incentives to promote the development, sale and rental of homes. The plan allows development companies to defer payment of development impact fees from permit

issuance until occupancy, creates a streamlined discretionary entitlement process and provides incentives for the development of “green” projects and affordable housing. [Learn more.](#)

- Describe other sources of public finance used to balance development fees assessed for individual projects. Estimate and analyze total development fees imposed by the city/county by unit type such as typical single family and multifamily development and total cost of fees.
- Include information on how fees are collected, i.e. at the beginning of the approval process, at the time of building permit issuance, or deferred until the project receives certificate of occupancy.
- Identify any policies or efforts to moderate high fee impacts for housing for lower-income households, such as fee waivers, fee deferrals, streamlined fee processing, and consolidated fee schedules.

## Topics to Consider In Analyzing Fees and Exactions

As the market conditions and circumstances affecting a jurisdiction’s fee structure vary, the analysis should consider a variety of factors to determine the extent to which fees pose a constraint to housing. In the analysis of fees, the jurisdiction could consider the following factors:

1. Funding mechanisms for capital improvement plans. If the financing of major capital facilities is reliant predominantly on the collection of developer fees, other mechanisms to finance part of these improvements such as development of special districts, or leveraging federal, State and local programs could be considered.
2. Analyze fee trends. The analysis could examine the amount and rate of cumulative development fees increases over the past five to ten years.
3. Identify the most recent nexus study on which the fees are based. Factors in the analysis could include the date/relevancy of the most recent study, and what fees were examined.
4. Analyze whether the fee structure incentivizes effective use of services and compact development. For example, are there differentials for different locations or sizes of housing units within the jurisdiction?
5. Examine Affordable Housing Development Trends. Determine whether local affordable housing builders are developing within the jurisdiction and whether the amount of fees and exactions are constraining their development decisions or income targeting of affordable housing development.
6. Estimate fees as a portion of overall housing development cost. Should the analysis show that fees are a significant portion of overall development cost; this could indicate that fees are posing a constraint to the development of housing.
7. Comparison with surrounding jurisdictions. Are housing development fees in the community competitive with the fees being assessed by neighboring jurisdictions?

## Sample Tables

The following are sample tables to assist in organizing critical fee and exaction information. The information provided in the tables should be tailored to the jurisdiction and followed by appropriate analysis. These sample tables are not intended to be a substitute for addressing the analytical requirements described in the statute.

FEE CATEGORY	FEE AMOUNT	
	Single-Family	Multifamily
Planning and Application Fees		
Annexation		
Variance		
Conditional Use Permit		



General Plan Amendment

Zone Change

Site Plan Review

Architectural Review

Planned Unit Development

Specific Plan

Development Agreement

Other

#### SUBDIVISION

Certificate of Compliance

Lot Line Adjustment

Tentative Tract Map

Final Parcel Map

Vesting Tentative Map

Other

#### ENVIRONMENTAL

Initial Environmental Study

Environmental Impact Report

Negative Declaration

Mitigated Negative Declaration

Other

IMPACT		
Police		
Fire		
Parks		
Water and Sewer		
Sewer Hook-up		
Solid Waste		
Traffic		
Flood		
School		
Special District		
Habitat		
Other		
<b>TOTAL</b>		
Estimated Proportion of Total Development Cost		

PROPORTION OF FEE IN OVERALL DEVELOPMENT COST FOR A TYPICAL RESIDENTIAL DEVELOPMENT		
Development Cost for a Typical Unit	Single-Family	Multifamily
Total estimated fees per unit		
Typical estimated cost of development per unit		

Estimated proportion of fee cost to overall development cost per unit

## Nexus Requirements

State law requires establishment of a nexus between the projected development impacts and the public facilities for which impact fees are imposed. Government Code Section 66001(a) of the Mitigation Fee (Act) (Section 66000-66025) requires that any city or county which establishes, imposes, or increases a fee as a condition of development approval do all of the following: (1) identify the purpose of the fee; (2) identify the use to which the fee is to be put; (3) determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; and, (4) determine how there is a reasonable relationship between the need for the public facility and the type of development project upon which the fee is imposed.

Government Code Section 66001(b) further requires the locality to determine whether there is a reasonable relationship between the specific amount the fee imposed and the costs of building, expanding, or upgrading public facilities. Such determinations, also known as nexus studies, are made in written form and must be updated whenever new fees are imposed or existing fees are increased.

The Act also requires jurisdictions to segregate fee revenues from other municipal funds and requires the local agency to make certain enumerated findings with respect to any funds remaining unexpended, whether committed or uncommitted, within five (5) years of the original deposit and every five (5) years thereafter. If the findings are not made as required by the Act, the local agency is mandated to refund the moneys in the fund in accordance with the Act. . Any person may request an audit to determine whether any fee or charge levied by the city or county exceeds the amount reasonably necessary to cover the cost of the service provided (Government Code Section 66006(d)). Under Government Code Section 66014, fees charged for zoning changes, use permits, building permits, and similar processing fees are subject to the same nexus requirements as development fees. Lastly, under Government Code Section 66020, agencies collecting fees must provide project applicants with a statement of the amounts and purposes of all fees at the time of fee imposition or project approval.

## HELPFUL HINTS

Information regarding the impact of local fees and total typical development costs can be found by contacting local for- and non-profit developers active within the market area. In addition, affordable housing developers can provide insight relating to timing of fee payments and strategies to reduce the overall effect of fees on the cost and supply of housing. Examples include mitigating school impact fees for senior housing, or deferring fees until financing is in place for affordable housing.

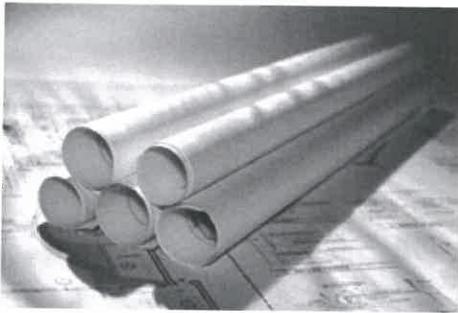
To encourage homeowners to invest in repairs and maintenance of existing neighborhoods, the Anaheim instituted a "Home Improvement Holiday Program", which granted residents a fee waiver for permits, inspections, re-inspections and other activities relating to the regulation of building and construction activities for alterations and additions to single-family residences. As a result of the Program, \$28.3 million in improvements were made to single-family homes and the City's Planning Department issued 3,562 residential building permits.

# Processing and Permit Procedures

*Government Code Section 65583(a) requires "An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, ...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures..."*

Processing and permit procedures can pose a considerable constraint to the production and improvement of housing. Common constraints include lengthy processing time, unclear permitting procedures, layered reviews, multiple discretionary review requirements, and costly conditions of approval. These constraints increase the final cost of housing, uncertainty in the development of the project, and overall financial risk assumed by the developer.

## REQUISITE ANALYSIS



## Processing and Permit Procedures

- Describe and analyze the types of permits, extent of discretionary review including required approval findings, procedures, and processing time required for residential development by zoning district.
- Describe and analyze the total permit and entitlement process for a typical single-family unit, subdivision, and multifamily project. Description should include typical processes required for single-family and multifamily projects and an estimate of total typical time necessary to complete the entitlement process.
- Describe and analyze the permit requirements and process for emergency shelters, transitional housing, supportive housing, single-room occupancy units, and farmworker housing.
- Describe and analyze all permits applicable to residential development, including conditional use permits and additional mechanisms that place conditions and performance standards on development (i.e., community plan implementation zones, hillside overlay zones, environmentally sensitive areas, etc.). For example, if the jurisdiction requires a conditional use permit for multifamily housing in a multifamily zone, the element should analyze this permit procedure as a constraint.
- In the case where discretionary approval from the local legislative bodies is required for permitted uses, the element should describe how the standards of decision-making promote development certainty.
- Describe and analyze other applicable regulations and processes such as design review and planned unit development (PUD) districts.

If the jurisdiction has a design review process, the element should describe and analyze review approval procedures and decision-making criteria. The analysis could also indicate whether objective standards and guidelines exist to allow an applicant for a residential development permit to determine what is required in order to mitigate cost impacts.

The element should also describe the typical processing time and procedures of a residential PUD, from the "preliminary review" process to final approval by the governing board, and how development standards (e.g., setbacks and minimum lot area) and allowable densities are determined for the (PUD) zone.

- If the jurisdiction has adopted an inclusionary ordinance, the element must provide an analysis of the ordinance. For example, the element should describe the types of incentives the jurisdiction has or will adopt to encourage and facilitate compliance with inclusionary requirements, what options are available for developers to meet affordability requirements, how the ordinance interacts with density bonus law, the amount of any in-lieu fee, and what finding a developer must make in order to choose to pay the in-lieu fee. If the jurisdiction has established a housing fund to collect any in-lieu fees, the element should describe the total amount available for housing production and any planned uses for the funds.

#### Sample Tables

The following are sample tables to assist in organizing critical information pertaining to housing element requirements. The information provided in the tables should be tailored to the jurisdiction and followed by appropriate analysis. These sample tables are not intended to be a substitute for addressing the analytical requirements described in the statute.

HOUSING TYPES PERMITTED BY ZONING DISTRICT				
RESIDENTIAL USE	ZONE			
	R-1*	R-2*	R-3*	Mixed-Use*
SF-Detached				
SF-Attached				
2-4 DU				
5+ DU				
Residential Care < 6P				
Residential Care < 6P				
Emergency Shelter				
Single-Room Occupancy				
Manufactured Homes				
Mobile-Homes				
Transitional Housing				
Farmworker Housing				



Supportive Housing

Farmworker Housing

2nd Unit

P=Permitted CUP=Conditional Use \* Change zoning designations to match jurisdiction's zoning ordinance as appropriate.

#### TIMELINES FOR PERMIT PROCEDURES

Type of Approval or Permit	Typical Processing Time
Ministerial Review	
Conditional Use Permit	
Zone Change	
General Plan Amendment	
Site Plan Review	
Architectural/Design Review	
Tract Maps	
Parcel Maps	
Initial Environmental Study	
Environmental Impact Report	
Other	

Source: Local Building and Planning Departments

# TYPICAL PROCESSING PROCEDURES BY PROJECT TYPE

	Single Family Unit	Subdivision	Multifamily < 20 units	Multifamily < 20 units
List Typical Approval Requirements				
Est. Total Processing Time				

# Codes and Enforcement and On Off-Site Improvement Standards

*Government Code Section 65583(a) requires "An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures..."*

## REQUISITE ANALYSIS

### Codes and Enforcement



- Identify current Uniform Building Code (UBC) adopted and enforced by the jurisdiction. Describe how the building code is implemented and whether the process optimizes predictability for developers. A code amendment, which specifies expensive materials and/or methods, can pose a significant constraint to housing development or maintenance.
- Identify and analyze any local amendments to the State housing law or UBC.
- Discuss the type and degree of enforcement.
- Describe any efforts to link code enforcement activities to housing rehabilitation programs.
- Describe Compliance with Health and Safety Code 17980(b)(2).

Health and Safety Code requires local governments to give consideration to the needs for housing as expressed in the housing element when deciding whether to require vacation of a substandard building or to repair as necessary. The enforcement agency is required to give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling.

### On/Off-Site Improvement Standards

On/Off-site improvement standards establish infrastructure or site requirements to support new residential development such as streets, sidewalks, water and sewer, drainage, curbs and gutters, street signs, park dedications, utility easements and landscaping. While these improvements are necessary to ensure that new housing meets the local jurisdiction's development goals, the cost of these requirements can represent a significant share of the cost of producing new housing.

As stated in the HUD's study of Subdivision Requirements as a Regulatory Barriers, such requirements can reasonably be considered regulatory barriers to affordable housing if the jurisdiction determined requirements are greater (and hence, more costly) than those necessary to achieve health and safety requirements in the community.

Required Analysis:

The element must identify and analyze street widths, curb, gutter, and sidewalk requirements, water and sewer connections, landscaping, circulation improvement requirements, and any other on/off-site improvement

required by the jurisdiction. In addition, the element must describe any generally applicable level of service standards or mitigation thresholds.

## HELPFUL HINTS

### Substandard Housing Program

The Franchise Tax Board (FTB) operates the Substandard Housing Program which assists the State and local agencies responsible for abating unsafe living conditions that violate Health and Safety Codes. Property owners in violation of Health and Safety Code standards are not allowed to make certain deductions on their personal tax returns pursuant to California Revenue & Taxation Code (CR&TC) Sections 17274 and 24436.5. That additional revenue collected by FTB is transferred to the Local Code Enforcement Rehabilitation fund. These funds are allocated and disbursed to the cities and counties that generated the notification of substandard housing to the FTB.

# Constraints-Housing for Persons with Disabilities

*Government Code Section 65583(a)(4) requires: "an analysis of potential and actual government constraints upon the maintenance, improvement or development of housing... **for persons with disabilities as identified in the analysis pursuant to paragraph (4) of subdivision (a)**, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting ... the need for housing for persons with disabilities (see Screen 7).*

*Government Code Section 65583(c)(3) requires the housing element provide a program to "address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities. The program shall remove constraints to and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities."*

## REQUISITE ANALYSIS



Housing element law requires that in addition to the needs analysis for persons with disabilities, the housing element must analyze potential governmental constraints to the development, improvement and maintenance of housing for persons with disabilities, demonstrate local efforts to remove any such constraints and provide for reasonable accommodations for persons with disabilities through programs that remove constraints.

Ordinances, policies or practices enacted to protect the health and safety of citizens and further the general welfare must be periodically reexamined to determine whether they are accomplishing their intended purpose or in practice constitute a barrier to the maintenance, improvement or development of housing with the effect of excluding housing variety and availability for the disabled.

The analysis of potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities must include, but need not be limited to:

### Review Zoning and Land-Use Policies and Practices to Ensure:

- compliance with fair housing laws;
- provision for group homes over six specifically for the disabled, other than those residential zones covered by State law;
- a broadened definition of family that 1) provides zoning code occupancy standards specific to unrelated adults and, 2) complies with Fair Housing Law;
- siting or separation requirements for licensed residential care facilities, to determine extent to which the local restrictions effects the development and cost of housing;
- any minimum distance requirements in the land-use element for the siting of special needs housing developments in relationship to each other do not impact the development and cost of housing for persons with disabilities; and
- alternate residential parking requirements, including reduction, for persons with disabilities.



## Evaluation of the Permit and Processing Procedures for:

- process to request accessibility retrofits;
- compliance with all State laws regulating a “by right” designation and/or permit requirement of licensed residential care facilities with fewer than six persons in single-family zones;
- conditions or use restrictions on licensed residential care facilities with greater than 6 persons or group homes that will be providing services on-site and the extent to which they effect the development or conversion of housing for persons with disabilities; and
- group home public comment period and the extent to which it differs from other types of residential development.

## Review of Building Codes to identify:

- the year of the Uniform Building Code adoption;
- any amendments that might diminish the ability to accommodate persons with disabilities; and
- adopted universal design elements that address limited lifting or flexibility (i.e., roll-in showers and grab bars), limited mobility (i.e., push/pull lever faucets, wide swing hinges) and limited vision (i.e., additional stairwell and task lighting).

## Review for Reasonable Accommodation Procedure to:

- identify and analyze whether the locality has an established reasonable accommodation procedure;
- describe the process for requesting a reasonable accommodation retrofit (i.e. ramp request); and
- describe the extent to which existing requirements constrain or facilitate the application of an existing or proposed reasonable accommodation procedure (i.e., permit processing, zoning, building codes, accommodating procedures for the approval of licensed residential care facilities and Fair Housing Amendment Act (FHAA) physical accessibility efforts [i.e., ADA retrofit efforts or other measures that provide flexibility]).

## Review for Programs that:

- address the needs of persons with disabilities and the extent to which the local process for accommodation is different from that for other types of residential development;
- remove or mitigate identified constraints and address the housing needs of the disabled;
- ensure information is available on how to request a reasonable accommodation with respect to zoning, permit processing, or building laws; and
- assist in meeting identified needs. Contact local service providers of special needs groups to assist in the identification and analysis of constraints to the provision of housing for persons with disabilities, including lack of capacity and available resources and unmet needs.

## HELPFUL HINTS

- Health and Safety Code Sections 1267.8, 1566.3, 1568.08 require local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. “Six or fewer persons” does not include the operator, the operator’s family or persons employed as staff. Local agencies must allow these licensed residential care facilities in any area zoned for residential use, and may not require licensed residential care facilities for six or less to obtain conditional use permits or variances that are not required of other family dwellings.
- Entitlement jurisdictions should have conducted an analysis of impediments to fair housing for the purposes of receiving funds from Housing and Urban Development (HUD). This impediments analysis contains similar elements and may be a useful resource for the SB 520 constraints analysis.

## Non-Governmental Constraints

*Government Code Section 65583(a)(6) requires "An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction."*



Although nongovernmental constraints are primarily market-driven and generally outside direct government control, localities can significantly influence and offset the negative impact of nongovernmental constraints through responsive programs and policies. Analyzing specific housing cost components including the cost of land, construction costs, and the availability of financing assists the locality in developing and implementing housing and land-use programs that respond to existing local or regional conditions. While the cost of new housing is influenced by factors beyond a locality's control, local governments can create essential preconditions (favorable zoning and development standards, fast track permit processing, etc.) that encourage and facilitate development of a variety of housing types and affordable levels.

### REQUISITE ANALYSIS

1. Land Costs – Estimate the average cost or the range of costs per acre for single-family and multifamily zoned developable parcels.
2. Construction Costs – Generally estimate typical total construction costs includes materials and labor.
3. Availability of Financing - Consider whether housing financing, including private financing and government assistance programs, is generally available in the community. This analysis could indicate whether mortgage deficient areas or underserved groups exist in the community. The financing analysis may also identify the availability of financing from private foundations (including bank foundations) corporate sponsors, community foundations, community banks, insurance companies, pension funds, and/or local housing trust funds.

### Potential Contacts and Data Sources to Assist in Analysis

- Local Developers and Title companies
- Building Department (Valuation Data)
- Local Banks [Home Mortgage Disclosure Act (HMDA) data]
- For-Profit and Non-profit Building Industry

### HELPFUL HINTS

Jurisdictions that prepare an Analysis of Impediments to Fair Housing Choice (AI) for the Consolidated Plan may be able to use policy information from the Plan to assist with the analysis of available financing.

# Housing Programs: Address and Remove or Mitigate Constraints

*Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, or provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities (Government Code Section 65583(c)(3)).*

## PROGRAM REQUIREMENTS AND POLICY AND PROGRAM OPTIONS

For each policy, procedure or requirement identified as a governmental constraint, the element must include programs to address and remove or mitigate the constraint.

The following are strategies communities have found appropriate to address regulatory barriers:

### Land Use Controls

- Allow zero-lot line and small lot development.
- Relax development standards, for example:
  - Front yard set backs of 15 feet or less;
  - Minimum lot sizes of 5,000 square feet or less; and
  - Lot width of 50 feet or less.
- Reduce parking requirements or establish ministerial procedures to provide exception for projects serving low-income households, seniors, and for transit-oriented development.
- Provide flexible standards for second units to encourage their development.
- Increase height limits and floor area ratios.
- Eliminate amenity based "mid-point" density policies.
- Modify and/or reduce growth controls to ensure accommodation of projected housing needs.
- Reduce procedural requirements for growth control ordinances.
- Exempt affordable housing projects from growth control ordinances.

### On/Off Site Improvement Requirements

- Reduce street widths (e.g., 36 feet or less) and right of ways (e.g., 56 feet or less).
- Reduce the number and size of sidewalks (e.g., on one side of street only).
- Use roll curbs instead of formed curbs and gutters.
- Increase spacing between manholes.
- Design residential streets to accommodate average traffic estimates.
- Use utility or sidewalk easements instead of right-of-ways.
- Place water supply systems and sanitary sewers in easements instead of right-of-ways.

### Fees and Exactions

- Reduce or waive fees and exactions for particular types of development (e.g., rental or assisted housing, second units, mixed-use and infill projects, housing affordable to low- and moderate-income households).
- Allow payment of fees upon certificate or occupancy, rather than prior to building permit issuance to reduce developer construction financing costs and overall development costs.

- Establish impact fees based on square footage to appropriately charge for the level of impacts based on the size of the house or housing types (i.e., second-unit, SRO, multifamily, single-family). For example, a sewer impact of a second unit is less than for a 5,000 square foot home.
- Consolidate fee schedules to simplify administration and operate one-stop centers to obtain schedules and documentation in one location.
- Identify district boundaries on a map for geographic specific fees and assessments to easily establish applicable fees.

## Processing and Permit Procedures

- Expedite permit processing (allow one-stop, consolidated, and concurrent permit processing).
- Assign a primary contact for priority housing developments to assist with all necessary entitlement and assist navigating various local departments.
- Hold pre-application development conferences.
- Prepare and present explanatory materials on the application and review processes to streamline permit processing.
- Utilize development agreements as authorized by Government Code Section 65864.
- Establish ministerial procedures for multifamily uses in multifamily uses.
- Streamline design review process and prepare clear, objective guidelines.
- Increase use of ministerial processing for a variety of housing types.

## Housing for Persons with Disabilities

- Develop formal procedures for reasonable accommodation for housing for persons with disabilities in accordance with fair housing and disability laws. Amend the locality's Municipal Code to provide for clear rules, policies, and procedures, for reasonable accommodation in order to promote equal access to housing. Policies and procedures should be ministerial and include but not be limited to identifying who may request a reasonable accommodation (i.e., persons with disabilities, family-members, landlords, etc.), timeframes for decision-making, and provision for relief from the various land-use, zoning, or building regulations that may constrain the housing for persons of disabilities.
- Regularly monitor the implementation of the jurisdiction's ordinances, codes, policies, and procedures to ensure they comply with the "reasonable accommodation" for disabled provisions and all fair housing laws.
- Reduce parking requirements for projects serving seniors and persons with disabilities households.
- Increase use of ministerial processing of State licensed group homes, regardless of the number of occupants in residential zones.
- Update the jurisdiction's definition of "family" and "single-family residence" to comply with all federal and State fair housing laws. The definition should not distinguish between related and unrelated persons and should not impose limitations on the number of persons that may constitute a family.

## SAMPLE PROGRAMS

### Sample Program 1: Zoning Amendments

The County will amend the Zoning Ordinance to remove constraints on the development of housing, including:

- Amend the second-unit ordinance to reduce required parking spaces to one
- Amend the definition of family, as follows:
- Prohibit single-family uses in multifamily zones.
- Eliminate the conditional use permit for multifamily uses in multifamily zones.

*Responsibility:* Planning Division

*Timing:* Amend second unit ordinance by June 2009. Amend definition of Family in zoning ordinance by

January 2009. Establish administrative Site Plan Review for multifamily and require conditional use permit for single-family in multifamily zones by January 2009.

*Funding:* General Fund

*Objectives:* Promote development of multifamily rental housing. Eliminate impediments to fair housing. Facilitate the development of 20 second units in the planning period.

### **Sample Program 2: Parking Reductions**

The City will amend the zoning ordinance to reduce parking standards (inclusive of guest parking) for multifamily uses in multifamily zones, as follows:

- zero to one bedroom: one onsite parking space;
- two to three bedrooms: two onsite parking spaces; and
- four or more bedrooms: two and one-half onsite parking spaces.

*Responsibility:* Community Development Department

*Timing:* Adopt: Zoning Ordinance Amendments by January 2009

*Funding:* General Fund

*Objective:* Address constraints and facilitate the development of multifamily housing

### **Sample Program 3: Reasonable Accommodation Ordinance**

The City will adopt written reasonable accommodation ordinance to provide exception in zoning and land-use for housing for persons with disabilities. This procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying following decision-making criteria:

- The request for reasonable accommodation will be used by an individual with a Disability protected under fair housing laws.
- The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.
- The requested accommodation would not impose an undue financial or administrative burden on the City.
- The requested accommodation would not require a fundamental alteration in the nature of the City's land-use and zoning program.

*Responsibility:* Community Development Department

*Timing:* Adopt: Zoning Ordinance Amendments by December 2008

*Funding:* General Fund

*Objective:* Facilitate the development, maintenance and improvement of housing for persons with disabilities; reduce processing time for reasonable accommodation requests by 50 percent.

### **Sample Program 4: Fee Deferral**

The City will continue to allow payment of fees upon certificate or occupancy, rather than prior to building permit issuance to reduce developer construction financing costs and overall development costs for housing affordable to lower-income households.

*Responsibility:* Planning Division

*Timing:* On-going

*Funding:* General Fund

*Objective:* Promote the financial feasibility of development affordable to lower-income households.

### **Sample Program 5: Expedited Permit Procedures**



The City will establish an expedited permit procedure for developments with units affordable to lower-income households. The procedure will establish written and specific procedures to prioritize affordable rental development in the City's entitlement process.

*Responsibility:* Community Development Department

*Timing:* Adopt procedure by June 2009

*Funding:* General Fund

*Objective:* Expedite permit procedures for developments affordable to lower-income households. Approve and expedite at least five rental developments affordable to lower-income households.

## PROGRAM IMPLEMENTATION SAMPLE

- [Model Reasonable Accommodation Ordinance \(Santa Rosa\)](#)
- [Model Reasonable Accommodation Ordinance](#)

## LINKS

### General

- [Bay Area Business Coalition Housing Element Letter: Governmental Constraints Analyses – \(Adobe PDF\)](#)
- [HCD BEGIN Programs \(Downpayment Assistance for Regulatory Relief\)](#)
- [HCD NIMBY Resources](#)
- [HCD Pay to Play Report: Residential Development Fees in California Cities and Counties](#)
- [Clancy Mullen, AICP, Senior Associate of Duncan Associates, Austin, Texas, for the "Impact Fees and Housing Affordability" session at the National Conference of the American Planning Association held in Denver on April 1, 2003 \(512-258-7347 ext. 204; \[clancy@duncanplan.com\]\(mailto:clancy@duncanplan.com\)\)](#)
- [DOT Travel Surveys \(car ownership and trip generation by housing type data\)](#)
- [Mental Health Advocacy Services: A Guide to Assist Developers and Providers of Housing for Persons with Disabilities in California](#)
- [Southern California Association of Non-profit Housing, Parking Requirements Guide for Developers](#)
- [Transportation and Land Use Coalition](#)
- [CA Dept of Transportation, Parking and TOD: Challenges and Opportunities](#)
- [US EPA. Parking Spaces/Community Places: Finding the Balance through Smart Growth Solutions](#)
- [League of Cities, Building Public Support for Affordable Housing: A Toolbox for California Cities](#)

## Sample Developmentally Disabled Analysis for the Housing Element

### Developmentally Disabled

According to Section 4512 of the Welfare and Institutions Code a "Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual which includes mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The State Department of Developmental Services (DDS) currently provides community based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The XXX Regional Center is one of 21 regional centers in the State of California that provides point of entry to services for people with developmental disabilities. The center is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

The following information from the XXX Regional Center, charged by the State of California with the care of people with developmental disabilities, defined as those with severe, life-long disabilities attributable to mental and/or physical impairments provides a closer look at the disabled population.

**Exhibit T: Developmentally Disabled Residents, by Age, for City XXX**

Zip Code Area	0-14 Years	15-22 Years	23-54 Years	55-65 Years	65+ Years	Total
Total						

There are a number of housing types appropriate for people living with a development disability: rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving this need group. Approximately X percent of the City's affordable

housing units and X percent of the County's public housing units are reserved for seniors and disabled persons. Incorporating 'barrier-free' design in all, new multifamily housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for disabled residents. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income.

In order to assist in the housing needs for persons with Developmental Disabilities, the City will implement programs to coordinate housing activities and outreach with the Regional Center and , encourage housing providers to designate a portion of new affordable housing developments for persons with disabilities, especially persons with developmental disabilities, and pursue funding sources designated for persons with special needs and disabilities.

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### **Sample Programs:**

*Program Sample 1:* Work with the XXX regional center to implement an outreach program that informs families within the City on housing and services available for persons with developmental disabilities. The program could include the development of an informational brochure, including information on services on the City's website, and providing housing-related training for individuals/families through workshops.

Responsibility: Community Development Department  
Timing: Development of Outreach Program by June, 2014

*Program Sample 2:* Develop a program to provide rental assistance to fill the gap between income levels and the cost of housing for persons with Developmental Disabilities. The program will include the following steps:

Step One: Work with the regional center to identify the housing needs of the clients and assist in identifying available housing that meets those criteria.

Step Two: Identify the gaps that limit access to housing for persons with developmental disabilities (i.e. financial, accessibility).

Step Three: Develop Guidelines and market program

Responsibility: Community Development Department  
Timing: Begin Program Development January, 2013.  
Objective: Assist 10 persons with developmental disabilities.

*Program Sample 3:* Explore models to encourage the creation of housing for persons with developmental disabilities and implement a program by 2015. Such models could include assisting in housing development through the use of set-asides, scattered site acquisition, new construction, and pooled trusts; providing housing services that educate, advocate, inform, and assist people to locate and maintain housing; and models to assist in the maintenance and repair of housing for persons with developmental disabilities. The City shall also seek State and Federal monies for direct support of housing construction and rehabilitation specifically targeted for housing for persons with disabilities.

Responsibility: Community Development Department  
California State Department of Housing and Community Development  
Housing Policy Division

SB 812, Chapter 507, Statutes of 2010