

ATTACHMENT F

EDITS IN RESPONSE TO HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT COMMENTS (1/12/15)

Page I-6 (Section I.4 Public Participation):

The Planning Commission held a series of 8 public study sessions to review each of the chapters of the Housing Element as they were preliminarily updated. *On August 11, 2014, after the conclusion of the study sessions and prior to the Planning Commission's first public hearing on August 28th, the draft 2015-2022 Housing Element was made available to the public.* ~~Then,~~ the Planning Commission held 2 public hearings on the draft ~~2015-2022~~ Housing Element. After considering comments received from citizens, property owners and other stakeholders (including the Housing Leadership Council of San Mateo County, San Francisco Organizing Project/Peninsula Interfaith Action and Greenbelt Alliance), the Commission provided recommendations to the City Council on the new housing sites (beyond existing potential) that would be suitable for meeting the RHNA requirements and on the Housing Element goals, policies and programs. Subsequently, the City Council held three workshops and meetings to take further public comment and to review the goals and the potential new housing sites for meeting the RHNA requirements. The preliminary draft Housing Element was approved by the City Council on November 20, 2014, for submittal to the Housing and Community Development Department (HCD) for review and comment prior to adoption.

Page II-5 (Section II.1.6 The Homeless):

Per 2007-2014 Housing Element Program H.B.3.i, the zoning regulations for the SCRO-1 Southwest Bayshore Commercial District were amended to allow emergency shelters as a permitted use (*BMC Sections 17.16.020 & 17.16.040.J*). Given its number of vacant parcels, residential buildings and small convertible warehouses (see Appendix E *Table E-5*), this district has the realistic capacity for development/reuse to accommodate at least 1 year-round emergency shelter *with a maximum capacity of 12 beds*, which should be sufficient to meet the need identified above. As evidenced by the City's past approval of Use Permits for two group care homes (for alcohol and drug recovery, totaling a maximum capacity of 18 beds) in this district, emergency shelters would be compatible with other uses and would not be subject to environmental constraints that would preclude their development. This district is particularly appropriate, because Bayshore Boulevard is a transit corridor providing access to job centers and community services to the north and south.

Page IV-2 (Section IV.1.1.1 Land Use Regulations: The General 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. *Note that the General Plan, including the Housing Element, is reviewed for internal consistency as part of the annual report prepared per Government Code Section 65400.*

See Programs H.B.1.c, H.E.1.c, H.H.2.c & H.I.1.h.

Page IV-3 (Section IV.1.1.1 Land Use Regulations: The Zoning Ordinance):

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. *Those affordable units that are provided in order to qualify for a density bonus are also recognized in meeting the inclusionary requirement (BMC Section 17.31.020.R). In addition, any density bonus units for*

which an affordable housing project qualifies are not included in calculating the total number of units upon which the number of inclusionary units required is determined (BMC Section 17.31.030.B.1). 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 is in process for the 30-unit complex at 3750-3780 Bayshore Boulevard.

Page IV-8 (IV.1.1.4 Fees and Exactions):

According to a 2013-2014 survey of 12 jurisdictions in San Mateo County, the City of Brisbane's fees for a typical single-family residence were less than two-thirds of the average for those jurisdictions responding (Table 43). 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 large planned development project were among the lowest for those jurisdictions responding (Table 44). *Note that water and sewer installation fees and capacity charges are included in Tables 43 and 44 under "Impact Fees."*

Pages IV-10 -- IV-11 (IV.1.1.4 Fees and Exactions):

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 (*Government Code Section 66477*). In-lieu fees are calculated as a percentage of the value of land *at a ratio of 3 acres of park land per 1,000 persons* and have lately been \$785 per residence for small subdivisions *including single-lot parcel maps in the unrecorded Brisbane Acres subarea where open space lands have recently been purchased for less than \$80,000 an acre*. Unlike most fees that are collected prior to issuance of building permits, these are due upon issuance of the certificate of occupancy. Note that exemptions are provided for condominium projects that would be affordable to very low or low income households or that would be restricted for occupancy by persons 62 years old or older.

Page IV-14 (Section IV.1.1.6 Constraints to Housing for Persons with Disabilities):

To meet needs for reasonable accommodation not addressed by the above, a general provision establishing a process for granting exceptions to zoning and land-use regulations for maintenance, improvement and development of housing for persons with disabilities was adopted via Ordinance No. 558 in 2011. Such exceptions may now be ministerially approved by the Community Development Director following *an administrative hearing for which notice is given to neighboring property owners*, if the accommodation would not impose an undue financial or administrative burden upon the city and would not require a fundamental alteration in the nature of the applicable regulations, subject to the findings that:

- A. The accommodation is necessary to meet special needs for a person having a disability and cannot be addressed through the exceptions under Sections 17.32.060 and 17.32.070.
- B. Any visual impacts of the accommodation will be minimized.
- C. The accommodation will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise or glare.
- D. Any construction resulting from the accommodation will be done in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes.

Page VI-6 (Section VI.1.3 Housing Policies and Programs):

Program H.B.1.d. Monitor market-rate rents for secondary dwelling units to determine whether they remain affordable; if not, consider what actions may be legally taken to make the primary or secondary unit affordable for occupancy by a low- or moderate-income household. For example, consider reducing or eliminating the administrative Secondary Dwelling Permit fee in exchange for rent restrictions.

Time Frame: On an annual basis Ongoing
Responsibility: Community Development Department
Funding Source: City funds

Pages VI-6 – VI-7 (Section VI.1.3 Housing Policies and Programs):

Program H.B.1.f Amend the definition of “dwelling” in Brisbane Municipal Code Section 17.02.235 to specifically include employee housing for six or fewer persons, consistent with Health and Safety Code Section 17021.5. Continue to treat “transitional housing,” “supportive housing” and “manufactured housing and mobilehomes” no differently from other “dwellings” under the Zoning Ordinance per BMC Section 17.02.235.

Time Frame: January 2016 Ongoing
Responsibility: Community Development Department, Planning Commission, City Council
Funding Source: City funds

Page VI-7 (Section VI.1.3 Housing Policies and Programs):

Program H.B.1.i Rezone the mobilehome park in the SCRO-1 District as the R-MHP District to designate it for mobilehome uses only.

Time Frame: December 31, 2018 (also see Programs H.B.1.c & H.E.1.c)
Responsibility: Community Development Department, Planning Commission, City Council
Funding Source: City funds

Page VI-7 (Section VI.1.3 Housing Policies and Programs):

Program H.B.2.a Preserve affordable units that are at risk of being converted to market rate by:

- *Establishing an early warning/monitoring system*
- *Allocation of potential funding sources*
- *Providing for tenant education and assistance*

Time Frame: Ongoing, with the early warning/monitoring system in place by December 2018
Responsibility: Community Development Department
Funding Source: City funds

Page VI-9 (Section VI.1.3 Housing Policies and Programs):

Program H.B.3.i Continue to allow emergency shelters as a permitted use in the SCRO-1 District, not subject to discretionary action or to any development or management standards that would not apply to other allowed uses within the zone, except as provided by Government Code Section 65583(a)(4)(A).

Time Frame: Ongoing ~~December 31, 2018~~
Responsibility: Community Development Department, Planning Commission, City Council
Funding Source: City funds

Program H.B.3.j Adopt written policies and procedures with specific objective standards to grant priority water and sewer service to housing with units affordable to lower-income households in accordance with State law [Government Code Section 65589.7 and Water Code Section 10631.17(a)70]. Continue to monitor water and sewer service supply and demand. Consider adopting regulations to assure that sufficient capacity is maintained to meet commitments to housing units affordable to lower-income households in accordance with State law.

Time Frame: Ongoing, with the policies and procedures adopted by December 2017

Responsibility: Public Works Department

Funding Source: City funds

Pages VI-10 -- 11 (Section VI.1.3 Housing Policies and Programs):

Program H.B.7.a Through public information efforts (see Program H.A.1.b), encourage housing developers to participate in available affordable housing programs sponsored by governmental agencies, such as:

- *Mortgage Credit Certificate Programs*
- *State and Federal Homeownership Assistance Programs*
- *State Multifamily Housing Program*
- *Other programs as they become available*

Time Frame: On an annual basis (see Program H.I.1.h) Ongoing

Responsibility: Community Development Department

Funding Source: City funds

Program H.B.7.b Through public information efforts (see Program H.A.1.b), encourage housing developers to work in concert with nonprofit housing development organizations and lending institutions to incorporate affordable housing units in development projects.

Time Frame: On an annual basis (see Program H.I.1.h) Ongoing

Responsibility: Community Development Department

Funding Source: City funds

Page VI-11 (Section VI.1.3 Housing Policies and Programs):

Program H.B.9.a Develop an ongoing relationship with nonprofit housing development corporations in order to take advantage of opportunities to create affordable housing.

Time Frame: On an annual basis Ongoing

Responsibility: City Manager's Office

Funding Source: City funds

Page VI-12 (Section VI.1.3 Housing Policies and Programs):

Program H.B.9.e Examine how City funds and municipal and assessment bonds could be used to subsidize development costs in privately financed residential and mixed-use projects.

Time Frame: Annually, as part of the budget process Ongoing

Responsibility: Brisbane Housing Authority, City Council

Funding Source: City funds

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Program H.B.9.g Collaborate with the County of San Mateo and other agencies with very-low-, low- and moderate-income rehabilitation programs to expand the scope and eligibility for assistance.

Time Frame: On an annual basis Ongoing

*Responsibility: City Manager's Office, City Council
Funding Source: City funds*

Page VI-13 (Section VI.1.3 Housing Policies and Programs):

Program H.B.9.k Evaluate City fee schedules for processing development applications and consider reducing or waiving application development fees for projects providing affordable housing for extremely-low-, very-low- and low-income households, including supportive housing for extremely-low-income families and larger households.

Time Frame: Annually, as part of the budget process Ongoing

Responsibility: Community Development Department, Finance Department, City Council

Funding Source: City funds

Page VI-16 (Section VI.1.3 Housing Policies and Programs):

Program H.E.1.d Consider changes to the zoning ordinance for multifamily housing as part of transit oriented development (within ¼ mile of a transit stop), such as:

- *Reduce parking minimums and establish parking caps*
- *Set building height limits to allow at least three-story development*
- *Provide for flexible setbacks and increased lot coverage*
- *Promote adaptive reuse of existing buildings*
- *Allow TOD housing that meets the requirements of the zoning ordinance without the requirement of a use permit.*

Time Frame: As part of the General Plan update (see Programs H.B.1.a , H.B.1.b, H.E.1.c & H.H.2.c) Ongoing

Responsibility: Community Development Department, Planning Commission, City Council

Funding Source: City funds

Page VI-19 (Section VI.1.3 Housing Policies and Programs):

Program H.H.2.c Amend the Safety and Conservation Elements of the General Plan to include analysis and policies regarding flood hazard and management information per Government Code Section 65302.

Time Frame: As part of the General Plan update (see Programs H.B.1.a , H.B.1.b, H.E.1.c & H.E.1.d) Concurrent with pending adoption of updated General Plan

Responsibility: Community Development Department, Planning Commission, City Council

Funding Source: City funds