

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council via the City Manager

FROM: William Prince, Community Development Director

DATE: Meeting of September 28, 2009

SUBJECT: Housing Element Update

RECOMMENDATIONS:

1. Rezone the mobile home park to mobile home uses only (as previously indicated), but reconsider rezoning the site to require a minimum density
2. Reconsider the option of rezoning selected R-1/ R-3 split zoned properties to satisfy the Regional Housing Needs Assessment.
3. Consider including an exception to the new minimum density requirements for the R-2, R-3 and new R-SWB (Southwest Bayshore) residential districts, to allow for additions up to 400 sq ft for existing single family homes.
4. Review and provide direction on the proposed revisions to the programs and policies.
5. Review and provide direction on the revised text of the Housing Element.

BACKGROUND

Previous staff reports on the housing element, have indicated that the current amount of land zoned for residential use (land inventory) does not have the capacity (acreage times density in units per acre) to satisfy the City's total regional housing need or the need in the three affordable categories (very low, low and moderate). At your July 13, 2009 meeting, Council selected the areas of the city to be rezoned to satisfy the Regional Housing Needs Assessment (RHNA) and continued the review of the policies and programs in the housing element to this meeting. The Council will recall that the RHNA, or projected housing need, is broken out into four (4) income categories including: very low, low, moderate, and above moderate (or market rate). To satisfy State housing law, the housing element must demonstrate that the City has sufficient land, zoned at minimum densities (land use inventory), to satisfy the total RHNA number (401) and the number of units allotted to each income category. Staff has revised the draft policies and programs since the July 13th meeting to be consistent with the direction provided by Council, at that time.

The combination of zoning amendments and rezonings selected by the Council were as follows:

- R-2 zoning district: Amend the district to set a minimum density of 20 units per acre.
- R-3 zoning district: Amend the district to set a minimum density of 20 units per acre.
- NCRO-2 district: Rezone approximately half of the first block of San Bruno Avenue to R-3 at 20 units per acre minimum.
- SCRO-1 district: Rezone the properties south of the mobile home park to residential only at 20 units per acre minimum, and rezone the mobile home park to mobile home uses only at 29 units per acre minimum. The properties within the SCRO-1 district that are north of the mobile home park will retain their current zoning.

The changes suggested by Council, along with the potential housing capacity of the City's existing residential zoning (including those units permitted since July 1, 2006), would provide a total capacity of 483 units. That is 82 units over the RHNA requirement of 401 units. Out of the potential for 483 units, 252 would be on land zoned at a density that would qualify in the very low and low income categories. However, the total number of units needed to satisfy the very low and low categories is only 157 units. The moderate income need is 77 units. The excess in zoning potential for the very low and low income categories ($252 - 157 = 95$) can be applied to satisfy the moderate income category (77), because land zoned at a density to accommodate the very low and low income categories can also (more than) accommodate the zoning capacity for the moderate income category. Thus, given the amendments and areas for rezoning selected by the Council, all three of the "affordable" income categories (very low, low and moderate) can be satisfied ($157 + 77 = 234$). There is also a sufficient amount of residentially zoned land remaining to satisfy the market rate category of the RHNA. ($401 - 234 = 167$).

Note that the calculated zoning capacity is somewhat higher than previously reported (July 13th meeting), based on further analysis of the potential of the rezone areas, the inclusion of the Redevelopment Agency site as very low, low, and moderate housing (based on further discussion with the Assistant to the City Manager) and rounding up rather than down in the R-2 district. The numbers previously provided indicated a total residential capacity for 454 units with 241 satisfying the need in the moderate, low and very low income categories. It should also be noted, that the calculation of the potential residential capacity of the City's existing zoning does not count towards the affordable categories, because it is not zoned at a minimum density of 20 units per acre. These zones (R-1, RBA, NCRO-2, SCRO-1 and PD) do not specify a minimum density, so their unused potential counts towards the total RHNA, but not the affordable towards the categories. Only the additional capacity that would result from adopting a 20 unit per acre minimum density standard in the R-2 and R-3 and the areas that Council has chosen to rezone, at that minimum 20 unit per acre density, apply to the affordable income categories. This is why it is not possible to both satisfy the affordable income categories and also create a total capacity that is exactly 401 units.

Since your last meeting, some members of the community have expressed concerns that amending the R-2 and R-3 zoning districts to establish a minimum density standard of 20 units per acre will make the existing single family homes in these zones “non-conforming,” thereby prohibiting expansions. Further discussion of this issue is provided in the following section.

In addition, staff has had the opportunity to study the minimum density of 29 units per acre for the mobile home park suggested by the Council, at the July 13th meeting. While the mobile home park may be protected by rezoning exclusively for mobile home use, the Council should reconsider the idea of establishing a 29 unit/acre minimum density for the reasons discussed below.

If the Council decides to respond to these concerns with changes that reduce the number of potential housing units available to satisfy the RHNA, they should off-set this reduction with additional changes to restore the potential capacity to meet the RHNA requirements. Staff recommends making up the difference, and creating a slight surplus in the RHNA low and very low income categories, by rezoning three properties, currently divided into R-1/R-3 zones, to R-3. Rezoning these three parcels so they are all R-3 would pick up several additional units of potential capacity and eliminate the three split zoned parcels. Split zoning parcels is not considered good planning, because the different standards that apply in each zone inhibits the uniform planning of a site. The rezone would clean up this problem. The rezoning would also help offset lost housing capacity, if the Council decides to provide a procedure (exception) to allow small additions to the existing single family homes that would become “non-conforming,” as a result of adopting the 20 unit per acre minimum density standard in the R-2 and R-3 zones.

DISCUSSION

The discussion summarizes the following:

- Community concerns regarding the impacts of establishing minimum densities.
- Density minimum on the mobile home park.
- Split zoned properties

Community Concerns

Since your last meeting, some members of the community have raised concerns that the establishment of a minimum density (20 units per acre) in the R-2 and R-3 zones would make existing single family homes legal non-conforming. While the issue of whether single family homes could be rebuilt if damaged or destroyed by fire was addressed in the June 13, 2009 memorandum from the City Attorney, the issue of making additions to legal nonconforming structures, as a result of adopting a minimum 20 units per acres density in the R-2 and R-3 zones, was not addressed.

Community concerns, regarding establishing minimum densities, have fallen into two major categories. These are the impacts on individual single family homes becoming legal