

**APPENDIX C.**  
**The 1999-2006 Housing Element's Compliance with  
Government Code Section 65584.09 [AB 1233 (Jones)]**

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**THE 1999-2006 HOUSING ELEMENT'S COMPLIANCE WITH**  
**GOVERNMENT CODE SECTION 65584.09 [AB 1233 (JONES)]**

According to Table 26 of the 1999-2006 Housing Element (see attached annotated version), the City had the zoning capacity, adjusted for actual as-built or proposed densities and significant infrastructure/environmental constraints, for 1,157 units. This included rezoning portions of 4 vacant sites from the R-BA District to the SCRO-1 District, which was accomplished within the Housing Element's original planning period (1/1/1999-6/30/2006). It also included rezoning 4 sites from the R-1 District to the R-3 District (for 23 units), which was not done. In addition, the Housing Element did not foresee that the City would buy 34.25 acres in the R-BA District with Federal or State funds that would prohibit transfer of their development rights (resulting in a loss of as many as 74 potential units). Taking these events into account, the adjusted capacity as of June 30, 2006, would be reduced to 1,060 units. This still exceeded the Regional Housing Needs Allocation of 426 units.

As for the very-low-, low- and moderate-income affordable component of the RHNA, Table 27 (see attached annotated version) identified a number of scenarios by which the City could meet the identified needs. The City, though, did not buy additional land in the R-3 District, Habitat for Humanity did not build the maximum number of possible units on the Solano Street site, the City did not rezone the largest vacant site in the R-1 District to the R-3 District, and the City did not adopt a density bonus ordinance during the original planning period. The City did approve the affordable Habitat for Humanity projects on the City's Plumas Street property and the former fire station site (in addition to completing the City's senior housing project in conjunction with Bridge Housing Corporation). And, as required by Government Code Section 65584.09, the City amended the Zoning Ordinance within one year of the original planning period to eliminate the restrictive density standard for mobilehome parks to increase the potential for very-low- and low-income dwelling units in the SCRO-1 District. This restored the potential for 43 additional very-low-income units, more than adequately addressing the RHNA for each income level.

Furthermore, as provided by State law in 2002 when the 1999-2006 Housing Element was adopted [formerly Government Code Section 65583(c)(1)(A)(i)], Table 28 (see attached annotated version) noted that the City had sufficient sites with zoning that permitted owner-occupied and rental multi-family residential use by right (including mixed-use projects requiring conditional use permits), with appropriate density and development standards to accommodate and facilitate the development of housing for very-low- and low-income households. This analysis identified an adjusted capacity for 294 such units. Subtracting the 23 potential units which could have been accommodated by rezoning the four sites in the R-1 District, the remaining potential would be for 271 multi-family units. In comparison, the RHNA for very-low-income (107) and 43 low-income (43) units totaled 150.

**Annotated 1999-2006 Housing Element Table 26**

**1999-2006 Zoning Capacity  
As of 6/30/06**

Subarea/Zoning District

CENTRAL BRISBANE

	Number of Units	
	<u>Maximum*</u>	<u>Adjusted**</u>
<u>R-1 District</u>		
Units under construction 1/1/99-12/13/01	9	9
<i>The total number of units in the R-1 District that were under construction or completed 1/1/99-6/30/06 was 31.</i>		
Standard vacant sites	19	19
Substandard vacant sites	14	14
Unrecorded vacant subdivisions	14	14
Variance for vacant site	1	1
Amend Substandard Lot provisions	14	14
	-11	-11
<i>No ordinance was adopted. Instead, substandard lots were dealt with on a case-by-case basis, with 3 being recognized as building sites from 1999-2006</i>		
Secondary units on vacant and developed sites	327	201
<i>Included in the total number of units under construction or completed were 4 secondary units.</i>		
<u>R-2 District</u>		
Substandard vacant sites	1	1
Partially developed sites	4	4
Aggregation/Replacement	25	25
<i>Pending adoption of a new merger ordinance, owners of multiple substandard lots have been routinely requested to voluntarily merge their lots when applying for building permits.</i>		
	+1	+1
<i>An ordinance was adopted to allow multiple-unit development on substandard lots not less than 4,950 sq. ft. in the R-2 District, increasing the zoning capacity by 1 unit.</i>		
<u>R-3 District</u>		
Units under construction since 1/1/99	4	4
<i>The total number of units in the R-3 District that were under construction or completed 1/1/99-6/30/06 was 4.</i>		
Vacant standard sites	9	9
Combined vacant sites	1	1
	-1	-1
<i>The City was unable to acquire the vacant site adjoining its own vacant site, which is being developed by Habitat for Humanity.</i>		
Vacant substandard sites	1	1
Partially developed sites	9	6
Aggregation /Replacement	65	48
<i>Pending adoption of a new merger ordinance, owners of multiple substandard lots have been routinely requested to voluntarily merge their lots when applying for building permits.</i>		
Rezone 4 sites in R-1 District	23	23
	-22	-22
<i>No sites in the R-1 District were rezoned to the R-3 District, but a Variance was approved to allow Habitat for Humanity to build 2 single-family residences for very-low-income households on the former fire station site in the R-1 District, which would otherwise have accommodated only 1 unit</i>		
<u>NCRO-2 District</u>		
Units under construction since 1/1/99	N/A	15
<i>The total number of units in the R-3 District that were under construction or completed 1/1/99-6/30/06 was 15.</i>		
Underutilized sites for mixed-use projects	N/A	19

(continued)

Table 26.  
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Subarea/Zoning District

BRISBANE ACRES

	Number of Units	
	<u>Maximum*</u>	<u>Adjusted**</u>
<u>R-BA District</u>		
Vacant sites	236	35
	-37	
Units through Transferable Development Rights	0	134
		-37

*Between the adoption of the Housing Element and 6/30/06, the City acquired 17 acres for open space (in addition to the 9.4 acres previously purchased) using funds from the US Fish & Wildlife Service and the California Coastal Conservancy which were subject to the restriction that the funds not be used to accommodate development. At 1 unit per 20,000 sq. ft., this reduced the gross capacity and number of potential TDR units by 37.*

NORTHEAST RIDGE

	Number of Units	
	<u>Maximum*</u>	<u>Adjusted**</u>
<u>PD District</u>		
Units under construction since 1/1/99	294	294
<i>The total number of units in the PD District that were under construction or completed 1/1/99-6/30/06 was 314.</i>		
First Phase: Single-Family Units	37	37
Second Phase: Single-Family Units	60	60
Second Phase: Multi-Family Units	108***	0
	-80	

*Due to environmental constraints concerning endangered species, applications have been submitted to revise the second phase of the project, eliminating the multi-family units and increasing the number of single-family units by 28.*

SOUTHWEST BAYSHORE

	Number of Units	
	<u>Maximum*</u>	<u>Adjusted**</u>
<u>SCRO-1 District (6.5 acres vacant)</u>		
Units under construction since 1/1/99	1	1
<i>The total number of units in the SCRO-1 District that were under construction or completed 1/1/99-6/30/06 was 1.</i>		
4 vacant sites with upzoning of R-1-20,000 portion	162	81
<i>4 sites in the R-1 District were rezoned to the SCRO-1 District.</i>		
Combine and reuse 15 underutilized sites for mobilehomes (Adjusted assumes repeal of unit density standards)	52	87
		-35

*The 12 units per acre density standard for mobilehome parks was not repealed by 6/30/06 (the repeal took effect 12/6/06).*

QUARRY

	Number of Units	
	<u>Maximum*</u>	<u>Adjusted**</u>
<u>PD District (proposed) (19 acres for development)</u>		
Underutilized site proposed for development	N/A	undetermined

NORTHWEST BAYSHORE

	Number of Units	
	<u>Maximum*</u>	<u>Adjusted**</u>
<u>PD District (31.3 acres vacant)</u>		
Vacant sites	N/A	undetermined

(continued)

Table 26.  
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	Total Number of Units	
	<u>Maximum*</u>	<u>Adjusted**</u>
TOTAL CAPACITY	1,490***	1,157
<i>As of 6/30/06</i>	<i>1,340****</i>	<i>1,055</i>

\*Based upon maximum density under current or proposed zoning district regulations, under conditions detailed in text. Includes 323 units built since 1/1/99.

\*\*Based upon density of actual, approved or proposed projects, under conditions detailed in text, not including the potential for 25% density bonus under State law (note that Housing Element policy could allow greater bonus). Includes 308 units built since 1/1/99.

\*\*\*Including 108 units in the Northeast Ridge subarea projected not to be developed until after 2006 (see text).

N/A No maximum density set under current zoning district regulations.

\*\*\*\*Including 88 units in the Northeast Ridge subarea projected not to be developed until after 2006. Note that the total 1999-2006 RHND was 426 units.

**Annotated 1999-2006 Housing Element Table 27.**

**1999-2006 Zoning Capacity  
for Very-Low-, Low- and Moderate-Income Households  
As of 6/30/06**

Adjusted\* Capacity for Units Affordable to

Very-Low Income	Low Income	Moderate Income
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CENTRAL BRISBANE

R-1 District

Secondary units on vacant and developed sites	0	40	161
<i>The Planning Commission considered income-restrictions for households occupying secondary dwelling units, but recommended against including them, given that market-rate rents appeared to be affordable to low- and moderate-income households.</i>			
	+2		
<i>The City approved Variances and other permits for the construction of 2 single-family residences by Habitat for Humanity for very-low-income households on the City's former fire station site.</i>			

R-3 District

City acquisition of adjoining vacant site with 2 density bonus units	4	8	0
	+1	-8	
<i>The City was unable to acquire the vacant site adjoining its own vacant site, which is being developed with 5 very-low-income units by Habitat for Humanity.</i>			
Develop 13 units on largest rezoned site with 2 density bonus units	1	0	0
	-1		
<i>No sites in the R-1 District were rezoned to the R-3 District.</i>			

Aggregation /Replacement with 11 density bonus units	8	0	0
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NCRO-2 District

City's senior housing complex built since 1/1/99	4	2	8
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SOUTHWEST BAYSHORE

SCRO-1 District

4 Vacant sites @ 1/3,000 with 18 density bonus units	10	0	0
<i>The City approved a 36-unit project on a 2.44 acre site, a ratio of 1 unit per 2,952 sq. ft.</i>			

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Table 27.  
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	Adjusted* Capacity for Units Affordable to		
	Very-Low Income	Low Income	Moderate Income
<u>SOUTHWEST BAYSHORE (continued)</u>			
Reuse 15 underdeveloped sites as very-low-income-affordable mobilehome parks qualifying for 21 density bonus units, also very-low-income affordable	108 -43	0	0
<i>The 12 units per acre density standard for mobilehome parks was not repealed by 6/30/06 (the repeal took effect 12/6/06). Under that standard, 52 mobilehomes could be accommodated. Assuming that the rents are affordable to very-low-income households, the mobilehome parks could qualify for a 25% density bonus (13 more units). This total (65 units) would be 43 units less than what would be possible under the SCRO-1 District density standard of 1 unit per 1,500 sq. ft. of land.</i>			
<u>TOTAL</u>	135	50	169
<i>As of 6/30/06</i>	94	42	169
<u>1999-2006 RHND</u>	107	43	112
<u>DIFFERENCE</u>	+28	+7	+57
<i>As of 6/30/06</i>	-13	-1	+57
<i>Within first year thereafter</i>	+30	-1	+57
<i>Per Government Code Section 65584.09(a), within the first year following the original planning period for the 1999-2006 Housing Element, the 12 units per acre density standard for mobilehome parks was repealed (12/6/06). Accordingly, the 15 underdeveloped sites in the Southwest Bayshore subarea could be reused to provide 108 very-low-income-affordable units in mobilehome parks (including density bonus units), given the 1 unit per 1,500 sq. ft. standard in the applicable SCRO-1 District. This is 43 more units than would have been possible under the previous density standard for mobilehome parks. This results in capacity for 30 more very-low-income units than required under the 1999-2006 RHND, which can be credited toward the shortfall of 1 low-income-affordable unit.</i>			

\*Based upon density of actual, approved or proposed projects, under conditions detailed in text.

Table 28.

**1999-2006 Zoning Capacity  
in Zoning Districts that Permit Multi-Family Uses by Right and Residential Mixed-Use Projects  
with Density and Development Standards Feasible for Very-Low- and Low-Income Housing  
As of 6/30/06**

<u>Subarea/Zoning District</u>	Number of Units	
	<u>Maximum*</u>	<u>Adjusted**</u>
<u>CENTRAL BRISBANE</u>		
<u>R-3 District</u>		
Units under construction since 1/1/99	4	4
Vacant standard sites	9	9
Combined vacant sites	1	1
	-1	-1
<i>The City was unable to acquire the vacant site adjoining its own vacant site, which is being developed by Habitat for Humanity.</i>		
Partially developed sites	9	6
Aggregation /Replacement	65	48
Rezone 4 sites in R-1 District	23	23
	-22	-22
<i>No sites in the R-1 District were rezoned to the R-3 District, but a Variance was granted to allow Habitat for Humanity to build 2 single-family residences where only 1 would otherwise have been allowed.</i>		
<u>NCRO-2 District</u>		
Units under construction since 1/1/99	N/A	15
Underutilized sites for mixed-use projects	N/A	19
<u>SOUTHWEST BAYSHORE</u>		
<u>SCRO-1 District</u>		
Units under construction since 1/1/99	1	1
4 vacant sites with upzoning of R-1-20,000 portion	162	81
Combine and reuse 15 underutilized sites for mobilehomes (Adjusted with repealed unit density standards)	52	87
		-35
<i>The 12 units per acre density standard for mobilehome parks was not repealed by 6/30/06 (the repeal took effect 12/6/06).</i>		
TOTAL CAPACITY	326	294
<i>As of 6/30/06</i>	303	236
RHND for low- and very-low-income households	150	150
<i>Difference as of 6/30/06</i>	+153	+86

\*Based upon maximum density under current or proposed zoning district regulations, under conditions detailed in text.

\*\*Based upon density of actual, approved or proposed projects, under conditions detailed in text.

N/A No maximum density set under current zoning district regulations.