

1. INTRODUCTION

1.1 OVERVIEW

The Bay Area has seen continued growth in its jobs and residential population and while the number of people drawn to the region has steadily increased in recent years, housing production has not kept pace. This has resulted in a shortage of housing, which has especially impacted middle- to lower-income households throughout the Bay Area. Such households are finding it difficult to purchase homes or to be able to afford surging rental rates.

The Housing Element is part of the City of Brisbane’s General Plan and sets forth the housing plan to address Brisbane’s housing needs. The Housing Element is a mandatory element of the General Plan for every jurisdiction in California since the 1969 Housing Element. It identifies and analyzes existing and projected housing needs in Brisbane throughout the planning period, and sets forth goals, policies, quantifiable objectives, and programs for the preservation, improvement, and development of housing. The Housing Element also must identify adequate sites for new housing development to serve all economic segments of the community.¹

The Housing Element is the only General Plan element that must be approved, or “certified,” by the State (the Department of Housing and Community Development, or HCD) to ensure that it meets statutory requirements. This Housing Element covers the 8-year planning period of 2023 through 2031. HCD’s review of the Housing Element evaluates:²

- The appropriateness of the Element’s goals, objectives, and policies in attainment of the State housing goals;
- Its effectiveness in attaining the City’s housing goals and objectives; and
- The progress in its implementation.

These requirements are addressed through the following chapters of this Housing Element and the associated appendices:

1. **Introduction:** Discussion of the city’s setting, Housing Element law, public participation, and consistency with other General Plan elements.
2. **Community Characteristics and Housing Needs:** Population characteristics (demographics) and housing characteristics (ownership and affordability trends).
3. **Resources and Opportunities:** Discussion of land resources, regional housing needs allocation (RHNA), sites inventory for new housing, methodology for selecting sites for the inventory, and housing development standards.
4. **Housing Constraints:** Governmental and nongovernmental constraints on the supply of housing.

¹ California Government Code Section 65583.

² California Government Code 65588.

- **Housing Plan:** Goals, policies, and programs with implementation actions and timing, and quantified objectives for the preservation, rehabilitation and new construction of housing units over the 2023-2031 planning period.

1.1.1 BRISBANE HISTORY AND SETTING

The City of Brisbane incorporated in 1961 and is governed by a five-member City Council. The city encompasses approximately 3.4 square miles of land area and is bordered by waters of the San Francisco Bay to the east, the city and county of San Francisco to the north, unincorporated San Mateo County and the City of Daly City to the west, and unincorporated San Mateo County and the City of South San Francisco to the south. As of 2020, Brisbane was home to 4,851 residents residing in 2,052 housing units and employed approximately 7,572 workers.³ These numbers are expected to continue to grow over the 2023-2031 Housing Element planning period.

Historically, most of Brisbane's residential development has occurred within the Central Brisbane subarea beginning in the early 1900s, with some scattered development in the surrounding hills of the Brisbane Acres and along Southwest Bayshore, which fronts along Bayshore Boulevard. Brisbane saw a surge of development in the 1990s through 2015 with the development of the Northeast Ridge, a planned development of 499 housing units located south of Guadalupe Canyon Parkway. This comprises almost a quarter of the city's total housing units. Central Brisbane has been largely built out, but still has some infill and accessory dwelling unit (ADU) development potential. The Northeast Ridge has been built out to its planned development permit entitlement, except that consistent with State law and City ordinance, ADUs may also be added to the existing home sites in this area. Opportunities for future development are presented in Chapter 3, Resources and Opportunities.

The Crocker Park subarea, located between Central Brisbane and the Northeast Ridge, has served as an economic engine for Brisbane, providing jobs and tax revenue for the City since the 1960s. All of the Crocker Park sites have been developed, almost exclusively with single story warehouse buildings. In the last Housing Element cycle, the City identified properties at the southeastern edge of Crocker Park that bordered Central Brisbane for housing. These sites were identified given their close proximity to shops and services, their distance from the busier areas of Crocker Park and their potential to create a well-connected walkable housing district. The City rezoned these sites with the Parkside residential overlay districts during the last Housing Element cycle with a potential for 240 new housing units. While the City saw development interest in 2019, the onset of the Covid-19 pandemic proved to be a disruptive force in normal development activity. However, these sites remain viable for redevelopment to housing for this 6th Housing Element cycle.

The Baylands subarea makes up most of the northeastern area of the city. It lies between the city and county of San Francisco, U.S. Highway 101, Bayshore Boulevard and the Brisbane Lagoon. The area was largely shallow San Francisco Bay waters through the 1800s, then the western half of the area was filled beginning in the early 1900s for development of a railyard and the eastern half was filled for use as San Francisco's municipal landfill. Both the railyard and landfill ceased operations in the 1960's and the Baylands is now mostly vacant. In 2018, the City approved ballot Measure JJ and

³ U.S. Census, 2020.



subsequently adopted a General Plan amendment which allows for 1,800 to 2,200 housing units on the northwest quadrant of the Baylands, a vacant portion of the Baylands which is outside the former municipal landfill area. The City is currently reviewing a draft specific plan which would establish the zoning for the Baylands. Adoption of the specific plan is anticipated during the first part of this current Housing Element period, as indicated in Chapter 5, Housing Plan.

Further discussion of these areas is provided in Chapter 3, Resources and Opportunities, as well as Chapter 5, Housing Plan.

1.2 LEGISLATIVE CONTEXT

As indicated above, since 1969, State law has required that jurisdictions throughout California complete a Housing Element. That element must be “certified” by HCD to ensure that it meets all statutory requirements. Housing Element law is contained in Government Code Sections 65580 through 65589.11.

Given the Statewide ongoing housing crisis, a number of State housing laws have been passed following adoption of the last Housing Element in 2014. This has resulted in substantive changes to State housing law and Housing Element requirements. These are generally outlined below. To address these changes, Brisbane has approved ordinance updates in recent years, while others are pending and are identified through programs provided in Chapter 5, Housing Plan, of this Housing Element. These are more specifically addressed in Appendix F, Housing Element Completeness Checklist.

- **Affordable Housing Streamlined Approval Process. Senate Bill (SB) 35 (2017) and Assembly Bill (AB) 831 (2020):** SB 35 creates a streamlined approval process, with clarifications via AB 831, for developments in localities that have not yet met their housing targets, provided that the development is on an infill site and complies with existing residential and mixed-use zoning, subject to certain other criteria.
- **Additional Housing Element Sites Analysis Requirements. AB 879 (2017) and AB 1397 (2017):** These bills expand on the required analysis and justification of the sites included in the Housing Element inventory. The Housing Element may only count non-vacant sites included in one previous Housing Element inventory and vacant sites included in two previous Housing Elements if the sites are subject to a program that allows affordable housing by right. The bills also require additional analysis of non-vacant sites and additional analysis of infrastructure capacity, and places size restrictions on sites.
- **Affirmatively Furthering Fair Housing (AFFH). AB 686 (2017):** AB 686 requires that local governments administer their programs relating to housing and urban development in a manner that affirmatively furthers the purposes of the federal Fair Housing Act and that they do not take any action that is materially inconsistent with its obligation to AFFH. It also requires that Housing Elements promote and affirmatively further fair housing opportunities for all persons. It further requires jurisdictions to conduct an assessment of fair housing in the Housing Element, prepare the Housing Element site inventory through the lens of AFFH and include program(s) to affirmatively further fair housing.

- **No-Net-Loss Zoning. SB 166 (2017):** SB 166 amended the No-Net-Loss rule to require that the land inventory and site identification programs in the Housing Element include sufficient sites to accommodate the unmet RHNA. If a site(s) identified in the Housing Element for the lower-income portion of the RHNA is developed for a higher-income group, the City must either (1) identify and rezone of necessary an adequate substitute site, or (2) demonstrate that the Housing Element inventory already contains adequate sites to meet that portion of the RHNA.
- **Adequate Housing Element Sites. AB 1397 (Low) (Chapter 375, Statutes of 2017):** The law made several revisions to the site inventory analysis requirements of Housing Element Law. It requires stronger justification when nonvacant sites are used to meet housing needs, particularly for lower-income housing, requires by right housing when sites are included in more than one Housing Element, and adds conditions regarding the size of sites, among others.
- **Safety Element to Address Adaptation and Resiliency. SB 1035 (2018):** SB 1035 requires the General Plan Safety Element to be reviewed and revised to include any new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies with each revision of the Housing Element.
- **By-Right Transitional and Permanent Supportive Housing. AB 2162 (2018) and AB 101 (2019):** AB 2162 requires the City to provide zoning allowing for a ‘by-right’ process and expedited review for supportive housing. It prohibits the City from applying a conditional use permit or other discretionary review to the approval of 100% affordable developments that include a certain percentage or number of supportive housing units. It applies to sites in zones where multi-family and mixed uses are permitted. AB 101 requires that a Low Barrier Navigation Center development be permitted by right in multi-family and mixed-use zones, subject to certain requirements.
- **Accessory Dwelling Units (ADUs). AB 2299 (2016), SB 1069 (2016), AB 494 (2017), SB 229 (2017), AB 68 (2019), AB 881 (2019), AB 587 (2019), SB 13 (2019) AB 670 (2019), AB 671 (2019), and AB 3182 (2020):** A number of bills have been passed in recent years related to easing the local restrictions and encouraging the development of ADUs. The 2016 and 2017 updates to State law included changes pertaining to the allowed size of ADUs, permitting by right and limits on parking requirements that jurisdictions may impose. More recent bills reduce the time to review and approve ADUs to 60 days, remove lot size restrictions, remove replacement parking requirements, and require local jurisdictions to permit junior ADUs. Both Junior ADUs and ADUs may now be built on single-family lots, subject to certain restrictions. The State also removed owner-occupancy requirements and limited fees that may be charged. Finally, AB 671 requires the Housing Element to include plans to incentivize and encourage affordable ADU rentals.
- **Density Bonus and Development Incentives. AB 1763 (2019) and AB 2345 (2020):** AB 1763 amended California’s density bonus law to authorize significant development incentives to encourage 100% affordable housing projects, with up to an 80% density bonus over the otherwise maximum allowed density, and additional regulatory concessions. Additionally, jurisdictions may not impose minimum parking requirements on projects with 100% affordable units that are dedicated to special needs or supportive housing. Annual reports to the State are also required to include information regarding density bonuses that were granted.
- **Housing Crisis Act of 2019. SB 330 (2019):** SB 330 enacted changes to local permitting process that will be effective through January 1, 2025. It places new criteria on the application requirements and processing times for housing development. It prevents jurisdictions from



decreasing the housing capacity of any site, such as through downzoning, if the decrease would preclude meeting the RHNA housing targets. It prohibits moratoria or similar restrictions on housing development. It prevents jurisdictions from establishing non-objective standards and requires demolition of housing units to be accompanied by a project that would replace or exceed the number of units demolished, including replacement of lower-income units.

- **Surplus Land Act Amendments. AB 1486 and AB 1255 (2019):** AB 1486 updates the Surplus Land Act to provide clarity and enforcement intended to increase the supply of affordable housing. It requires the City to include specific information relating to surplus lands in the Housing Element and annual progress reports and to provide a list of sites owned by the City that have been sold, leased, or otherwise disposed of in the prior year. AB 1255 requires the City to create a central inventory of surplus and excess public land, to be reported to HCD and available to the public upon request. The City must also send a description of the notice and negotiations for the sale of land to HCD for review.
- **Housing Impact Fee Data. AB 1483 (2019):** AB 1483 requires jurisdictions to publicly share information about zoning ordinances, development standards, fees, exactions, and affordability requirements and update such information within 30 days of changes.
- **Housing Element Site Inventory Forms. SB 9 (Chapter 667, Statutes of 2019):** Jurisdictions are now required to provide the Housing Element site inventory on forms developed by HCD and send electronic version of their adopted Housing Element to HCD.
- **Housing Opportunity and More Efficiency (HOME) Act, SB 9 (2022):** SB 9 requires jurisdictions to allow up to two residential dwelling units and residential lot splits in single-family zoning districts. It allows for reduced standards, such as setbacks, parcel dimensions and parking. The City must apply objective zoning standards that do not preclude construction of up to two 800 square foot units. To prevent displacement, projects may not demolish any affordable or rent controlled housing, or housing that has been occupied by a tenant within the last 3 years. Projects that meet the criteria must be ministerially approved.

1.3 PUBLIC PARTICIPATION

Community engagement is essential to the City's Housing Element planning process. The City must "make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element."⁴ The City undertook numerous and varied means to solicit community input:

- **Monthly Citywide Newsletter:** Monthly articles were published through the City's monthly newsletter, the Brisbane STAR, which is mailed to all residents and businesses and published on the City's website. These STAR articles provided status updates, announced upcoming events and opportunities to engage in the process, information on how to reach staff, where to find information on the City's website and how to sign up to be on the notification email list.
- **Weekly Citywide Email Blast:** Workshop and public meeting announcements were included in the City's weekly "Blast" sent to over 1,300 residents, business representatives, and other community members.

⁴ Government Code Section 65583(c)(9).

- **Email Notification List:** A dedicated email notification list (288 subscribers) was compiled of local and regional stakeholders, based upon input from the 21 Elements countywide Housing Element Update collaboration project, plus other interested parties who proactively signed up to be notified of Housing Element news and public meetings.
- **City Website:** The Community Development Department maintained a webpage devoted to the Housing Element Update process, with links to additional sources of information. Notice of each study session and public hearing was posted on the City's website and weekly blog.
- **City Signboards:** The City also utilized the two billboard-style, electronic signboards, which are located at the edge of Old County Road/Community Park and at the intersection of Mission Blue Drive and North Hill Drive, to announce workshops and public hearings and other engagement opportunities to reach pedestrians and motorists along these key thoroughfares.
- **Citywide Mailers:** To target a broad range of moderate to lower-income households, notices were sent to all multi-family residential addresses prior to the Planning Commission's initial workshop series beginning in December 2021, upon the release of the draft Housing Element in August 2022, and again to publicize the City Council's public hearing on the Draft Element on October 6, 2022.
- **In-Person Engagement:** Leading up to the publication of the Housing Element, Communications and Planning staff tabled at weekly Farmer's Markets in the Community Park in July and August 2022.
- **Social Media:** The City used its Facebook, Nextdoor, and Instagram social media accounts to push out Housing Element meeting announcements and updates throughout the process.

The draft Housing Element was made available for public review for more than 30 days, from August 8, 2022 to September 9, 2022, prior to the October 6, 2022 public hearing at City Council. The draft Housing Element was submitted to HCD on October 7, 2022 for review. Following receipt of HCD's comments on January 4, 2023, HCD's comments were made available to the public on January 6th and proposed edits to the Housing Element in response to those comments were made available to the public 7 days prior to City Council's public hearing and adoption of the Housing Element on February 2, 2023. All comments received during and after the 30-day formal comment period were compiled for the City Council's consideration consistent with Government Code Section 65585(b) (AB 215, Statutes of 2021). Those comments and the City's responses to them are attached to Appendix E. New and modified programs resulting from public review are reflected in Chapter 5.

Following the City Council's self-certification and adoption of the Housing Element on February 2, 2023, the Element was submitted to HCD. Then on April 5, 2023, HCD provided additional comments to be addressed prior to their certification. HCD's April 5 comment letter along with the redlined edits were posted for the public review and comment on the City's website, emailed to the interested parties list and posted on the City's social media on May 5. Paper copies of these materials were also made available at City Hall and at the Brisbane Library on May 8. This was more than 7 days prior to City Council's public hearing on May 18 on the proposed revision to Housing Element and the subsequent resubmittal to HCD for state certification, consistent with the Gov't Code.

All of the Planning Commission and City Council meetings were video recorded and broadcast live on Zoom, the City's YouTube channel, and the City's cable television channel. The video recorded



meetings are available on demand on YouTube and were rebroadcast a number of times on the City's cable channel, as well as archived on the City's website, to provide greater outreach and opportunities for the public to watch. A list of workshop meeting events and public hearings is provided in Appendix E, Public Participation.

1.4 CONSISTENCY WITH OTHER ELEMENTS

State law requires that all elements of the General Plan be internally consistent. A number of General Plan elements are related to the Housing Element. The Land Use element identifies subareas designated for housing and the density standards and types and intensity of other types of uses. Three other elements address environmental or man-made factors that limit the location or type of housing that can be developed: Safety, Noise, and Conservation. The Safety and Noise Elements address hazards that should be avoided in the location of housing or may require mitigation. The Conservation Element identifies sensitive lands or waterways that should be protected. The Circulation Element establishes the location and scale of streets, freeway connections and other transportation routes that provide access to residential neighborhoods.

To address the requirement for consistency between the various General Plan elements, this Housing Element has been evaluated against the other elements to ensure that no conflicts occur.

Pursuant to SB 162 and SB 244, the City will review and update as necessary, its Land Use, Safety, and Conservation Elements upon completion of the Housing Element to address flood hazards and management, and the provision of services and infrastructure. Pursuant to SB 379, the City will also review and update as necessary its Safety or Local Hazard Mitigation Program (LHMP) and Land Use elements to add information specific to Very High Hazard Severity Zones, as required by SB 182. (See related Program under Goal 4 to "Protect residents from displacement," Chapter 5, Housing Plan.)

