

## 4. HOUSING CONSTRAINTS

This chapter of the Housing Element analyzes potential constraints upon the maintenance, improvement and development of all types of housing for households of all income levels and needs.<sup>1</sup> It includes the following sections:

1. **Governmental Constraints:** Those 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.
2. **Nongovernmental Constraints:** These are largely related to the cost to develop housing, which is driven by the price of land, the cost of construction, the availability of financing and environmental or physical conditions.

### 4.1 GOVERNMENTAL CONSTRAINTS

The primary purpose of a city is to provide municipal services and to protect the health, safety and welfare of its citizens. Consistent with this organizational *raison d'être*, the City of Brisbane has a legal obligation to abide by and implement numerous federal, state, regional and county policies, programs, and regulations related to housing. In order to carry out its obligations and provide for public safety, the City must also generate sufficient revenues.

The discussion provided in the sections that follow focuses on these powers and obligations and examines to what extent the following constraints to housing may be reduced or eliminated:

- Land use regulations: zoning standards such as parking, height limits, setbacks, lot coverage and minimum unit density.
- Codes and enforcement: local amendments to California Building Code, degree or type of enforcement.
- On/off-site improvements: required street widening and circulation improvements.
- Fees and exactions: permit and impact fees, such as park in-lieu fees and other financial impositions on development applications.
- Permit processing procedures: permit approval process, including discretionary review procedures, permit application review timeframes, etc.
- Constraints to housing for special needs households: this includes housing for persons with disabilities, supportive and transitional housing, and emergency shelters and constraints may include reasonable accommodation procedures, zoning and building codes.

---

<sup>1</sup> Government Code Section 65583(a)(5) and -(6).

## 4.1.1 LAND USE REGULATIONS

### 4.1.1.1 The General Plan

The State of California requires all cities to adopt a general plan, of which the housing element is a central component and the only component of the general plan that must be regularly updated. The closely related land use element of the general plan, as described in Government Code Section 65302(a):

*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.*

Brisbane's General Plan was adopted in 1994. The Land Use Element was last amended in 2019, consistent with approval of Ballot Measure JJ in 2018. That Measure allowed for residential development of 1,800 to 2,200 dwelling units on the Baylands subarea. Note that prior to Measure JJ, City Council certified a Final Environmental Impact Report for the General Plan Amendment. No additional amendments are anticipated to implement rezoning to meet the sites inventory identified in Chapter 3, Resources and Opportunities, although a Specific Plan will be required for the Baylands and is under review in order to establish the zoning. Other areas designated for housing in this Housing Element are also already consistent with the General Plan land use designations provided in the Land Use Element. Also, a program is included to review and amend as may be needed, the Safety and Conservation Elements by January of 2027.

*See Programs 2A.2 and 4.A.13.*

### 4.1.1.2 The Zoning Ordinance

Zoning regulations implement the land use policies established in the Land Use Element of the General Plan on a parcel-specific basis. For sites zoned for residential or mixed-use development, zoning regulations control the type and density of residential 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.

#### **Residential Development Standards**

Residential development standards provided in the zoning ordinance control housing density and provided controls on the building form. The City's current residential development standards for the zoning districts permitting residential and mixed uses are provided in Appendix B, Table B.4.2.

In those districts allowing multi-family housing, some standards in specified districts may pose a constraint on the development of affordable units. For example, in Central Brisbane the maximum height limit of 35 feet in the NCRO-2 District, or 28 to 30 feet in the R-2 and R-3 District depending on the slope of the lot, typically accommodate at most a three-story structure. Given the need to accommodate on-site parking and the relatively small lot size of properties in the R-2, R-3, and



#### 4. HOUSING CONSTRAINTS

NCRO-2 zoning districts, generally 2,500 to 5,000 square feet, the resulting two stories of residential development over one level of ground floor parking can constrains the ability to accommodate the number of units necessary for an affordable housing project to be economically viable given the cost of construction. Three-story market-rate residential developments constructed in the NCRO-2 and R-3 districts recently constructed include 661 San Bruno Avenue (4 units), 124 San Bruno Avenue (3 units), 1 San Bruno Avenue (15 units), and 18 Visitacion Avenue (2 units, permit issued 2022). Considering these development trends, height regulations are not considered a constraint to typical multi-family and mixed-use housing developments.

In informal discussions with non-profit housing developers regarding the potential to develop City-owned lots for affordable housing in Central Brisbane, a four to five story height limit has been identified as necessary in order to accommodate required parking and for the project to be economically feasible given the costs of construction. Based on discussions with non-profit housing developers, three-story affordable housing development is feasible primarily on lots much larger than those found in Central Brisbane. However, there are three examples of affordable housing projects developed on typical lots in Central Brisbane, as follows:

##### Affordable Housing Developments in Brisbane Under Three Stories

<u>Site Address</u>	<u>Number of Units</u>	<u>Developer</u>	<u>Stories</u>	<u>Lot Size</u>
<u>8 Visitacion Ave.</u>	<u>14</u>	<u>BRIDGE Housing</u>	<u>Two</u>	<u>18,000 sq ft</u>
<u>22-38 Plumas St.</u>	<u>5</u>	<u>Habitat for Humanity</u>	<u>Two</u>	<u>10,000 sq ft</u>
<u>15 Glen Park Way (developed with 720 San Bruno below)</u>	<u>1</u>	<u>Habitat for Humanity</u>	<u>Two</u>	<u>2,800 sq ft</u>
<u>720 San Bruno Ave. (developed with 15 Glen Park Way above)</u>	<u>1</u>	<u>Habitat for Humanity</u>	<u>Two</u>	<u>2,500 sq ft</u>

As demonstrated by the above development precedents, the city’s height limits have not constrained affordable housing development in Brisbane. In cases where an affordable housing development may require additional height to be economically feasible, the City’s density bonus ordinance would be utilized to allow development of the site at the requisite density at heights that exceed the underlying district standards without the need for discretionary approval (I.e., as an incentive, concession, or waiver of development standards).

The Parkside PAOZ-1 and PAOZ-2 overlay zoning districts have maximum height limits of 38 feet and 40 feet, respectively, with a maximum of three stories. However, the Parkside areas have significantly larger lot sizes to be able to accommodate parking, and the PAOZ-1 and PAOZ-2

district's form-based zoning to standards provide for greater certainty for developers, and building heights are not considered impediments to development in these zoning districts.<sup>2</sup>

Considering the track record of affordable and market-rate residential development (single-family or multi-family) in Brisbane to date, does not housing development does not appear to be constrained by the density and form controls of the zoning ordinance, as evidenced by recent construction trends are provided in the building permit history (see Appendix A, Table A.2).

Additionally, despite the above referenced cases of affordable housing in two story developments, in order to further facilitate development of affordable housing, a new Program 2.A.12 has been added to Chapter 5, to amend the zoning ordinance to increase the maximum heights to at least 36 feet in all districts allowing multi-family residential uses. This is intended to facilitate three-story developments. Where higher height limits are already permitted, such as the Parkside POAZ-1 and POAZ-2, the higher height limits will be retained.

A typical multi-family development scenario in Central Brisbane (R-3 Residential District) is provided below, based on a typical lot size of 10,000 square feet:

Lot Size	Max. Units	Max. Floor Area	Front Setback*	Side Setback*	Rear Setback*	Max. Lot Coverage	Max. Height	Min. Landscaping
10,000 sq ft	6	7,200 sq ft (0.72 FAR; up to 400 sq ft of garage area excluded)	15 ft	5 ft	10 ft	6,000 sq ft (60%)	28-30 ft (depending on slope)	15% of front yard; 10% of total site

\* Setback requirements do not apply to uncovered parking areas.

Assuming a construction cost of \$522/sq ft (see Section 4.2.2 of this Chapter), construction costs for this project would be approximately \$3.76 million, or \$626,400 per unit. Given market-rate developers' return on investment requirements, this project would result in units affordable to above-moderate income households for five of the units, while one unit would be required to be affordable to either low or moderate income households depending on project tenure per the City's inclusionary housing ordinance.

A typical multi-family development scenario in the Southwest Bayshore neighborhood (SCRO-1 District) is provided below, based on a lot size of 43,560 sq ft:

Lot Size	Max. Units	Max. Floor Area	Front Setback*	Side Setback*	Rear Setback*	Max. Lot Coverage	Max. Height	Min. Landscaping	Min. Open Space

<sup>2</sup> Parkside Precise Plan, 2017; Economic Feasibility White Paper



## 4. HOUSING CONSTRAINTS

43,560 sq ft	30	N/a	10 ft	5 ft	10 ft	15,820 sq ft (70%)	35 ft	2,260 sq ft (10%)	377 sq ft (60 sq ft/ unit)
--------------	----	-----	-------	------	-------	--------------------	-------	-------------------	----------------------------

\* Setback requirements do not apply to uncovered parking areas.

Assuming a construction cost of \$521,500/unit (see Section 4.2.2 of this Chapter), construction costs for this project would be approximately \$15.65 million, or \$522,000 per unit. The project would also be subject to the City’s inclusionary housing ordinance, and two of the units would have to be affordable to either one low and one moderate income household (for-sale development) or one very low and one low income household (rental development).

In either scenario, the developer may request a density bonus and/or incentives, concessions, or waivers of development standards (including building height or on-site parking) that may reduce the cost of construction per unit. Affordable housing developers, while not subject to the same ROI requirements as market-rate developers, would likely pursue a density bonus and requisite incentives, concessions and waivers of development standards to make the project more economically feasible and reduce required development subsidies. The City’s land use controls are not anticipated to prevent development of typical infill sites in the City’s mixed-use and multi-family residential districts.

### Parking Requirements

During the 2015-2022 planning period, the City updated its parking requirements to uniformly tie them to unit floor area and/or number of bedrooms for all types of residential dwellings, in part to encourage smaller, more affordable units.

The parking ordinance currently provides reduced parking ratios for housing developments targeted toward lower-income and moderate-income households, senior households (aged 62 or older), and disabled households. However, due to Central Brisbane’s limited transit accessibility, the community has found it challenging to further reduce parking requirements for new residential development. The Bayshore Caltrain station is over 1½ miles from Central Brisbane’s residential core, with limited shuttle connections and pedestrian or bicycle facilities and SamTrans bus route 292 has limited headways in excess of 15 minutes during commute hours.

The current parking standards are provided in Table 4-1.

Exceptions to the parking requirements are provided for special needs populations, in BMC Section 17.34.050. These include:

- Housing for disabled households: One assigned van-accessible parking space (either covered or uncovered at the discretion of the applicant) per dedicated unit.
- Housing for seniors (62+): 67% of the standard requirement.

Reductions in the parking standards may also be granted as an incentive or concession under the City’s density bonus ordinance.

**TABLE 4-1 CITY OF BRISBANE RESIDENTIAL PARKING STANDARDS**

Use		Parking Requirement
<b>Single-Family</b>	Studio/1-Bedroom not > 900 sq.ft.	1 Off-Street
	All Others not >1,800 sq.ft.	1 Off-Street + 1 Covered
	>1,800 sq.ft. on <37.5 ft. Lot Frontage	2 Off-Street + 1 Covered
	>1,800 sq.ft. on 37.5+ ft. Lot Frontage	2 On/Off-Street + 2 Covered
	Guest Parking (Subdivisions of 5 + Lots)	1 per every 5 Lots
<b>Accessory Dwelling Units</b>	In the Central Brisbane zoning districts (R-1, R-2, R-3, NCRO-2), Southwest Bayshore (SCRO-1), and Parkside PAOZ-1 and PAOZ-2. Also, portions of the Brisbane Acres (R-BA) and Northeast Ridge (NER-PD) within ½-mile of public transit.	None
	Portions of the R-BA or PD District for New detached ADUs >½-mile from transit only (all other ADUs exempt).	1
<b>Junior Accessory Dwelling Units</b>	All Residential and Mixed-Use Zoning Districts	None
<b>Multiple-Family</b>	Studio	1
	1-Bedroom not >900 sq.ft.	1 (Covered)
	1-Bedroom >900 sq.ft.	1.5 (1 Covered)
	2-Bedroom	1.5 (1 Covered)
	3-Bedroom or More not >2,700 sq.ft.	2(1 Covered)
	3-Bedroom or More > 2,700 sq.ft.	3 (1 Covered)
	Guest Parking	1 per every 5 Units

Notes: BR = Bedroom; sq.ft. = square feet of floor area; see BMC Section 17.34.020.B for floor area that counts toward parking.  
Source: Brisbane Municipal Code Chapter 17.34.

The City will also study potential updates to the parking ordinance to consider what further measures may be taken to reduce parking constraints in conjunction with reducing greenhouse gas emissions.

See Program 6.A.5.

### Density Bonus and Inclusionary Housing Requirements

The City is in the process of amending its density bonus and inclusionary housing regulations. The intent is to encourage use of the density bonus ordinance and broaden the inclusionary housing requirements while allowing additional flexibility to developers in complying with the inclusionary requirements, consistent with current State law.

Currently, the City's inclusionary housing requirements apply to both for-sale and rental developments of six or more units on a sliding scale based on the number of units provided. This sliding scale results in a varying inclusionary requirement that can range from 10% to 20% depending on the number of base units. Rental projects must provide units affordable to low- and/or very-low-income households, while for-sale developments must provide units affordable to moderate- and/or low-income households.



To coordinate the City and State’s density bonus regulations, 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). 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.

These inclusionary housing and density bonus regulations would largely remain, plus a couple of changes with the draft ordinance as outlined below:

- Preliminary Inclusionary Housing Ordinance Amendments:
  - Reduces the minimum unit threshold for projects subject to inclusionary housing requirements from six units to five units.
  - Utilizes a percentage-based inclusionary requirement instead of the current sliding scale.
  - Provides one by-right alternative to constructing rental inclusionary units and additional discretionary alternatives.
  - Establishes options for other adjustments of inclusionary housing requirement.
  - Eliminates density bonus tables and replaces with references to applicable State law.
  - Creates a density bonus incentive for small projects and projects that exceed the density bonus qualifications.

*See Programs 2.C.1 and 2.E.4.*

### **Special Needs Housing**

The City’s zoning ordinance allows 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) in all residential districts and all mixed-use districts except the NCRO-2 and permits emergency shelters without a use permit requirement in the SCRO-1 District (per Ordinance No. 564 adopted in 2011). A program is included to expand the number of beds per emergency shelter that are permitted by-right in the SCRO-1 District, from 12 to 30 beds, to accommodate any foreseeable need during the plan period. Another program is provided to ensure compliance with current state law regarding supportive and transitional housing, including the NCRO-2 district.

Additionally, see discussion of housing for people with disabilities in Section 4.1.5. *See Programs 2.A.8, 2.B.4, 2.C.1, and 2.D.1.*

### 4.1.1.3 Other Land Use Controls

Other land use controls that are outside the zoning requirements include engineering requirements and environmental regulations under the California Environmental Quality Act (CEQA).

#### Engineering and Design Requirements

Much of Central Brisbane and the Brisbane Acres is comprised of steep hillside sites, often with slopes over 20%. This is especially the case within the R-1 zoning district. The sites closer to the Central Brisbane core where multifamily developments are permitted, in the NCRO-2, R-2, and R-3 districts, tend to have flatter slopes, but this is variable. Environmental and engineering design requirements for foundations on steeply sloped lots can significantly 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.

In addition to the various programs to encourage creative financing and subsidies for special needs housing, the City offers pre-application development consultation at no cost in order to assist applicants up front in the application process with the aim of providing more streamlined and cost-effective design solutions.

*See Program 7.A.7.*

#### Environmental Regulation

CEQA applies to all residential developments in Brisbane that require discretionary approval, such as a use permit, design permit, or grading review by the Planning Commission. Typically, most residential developments of six or fewer units are categorically exempt from CEQA.

In addition to CEQA, properties within the SCRO-1 and R-BA zoning districts are also subject to compliance with the San Bruno Mountain Habitat Conservation Plan (HCP), for protection of federally endangered butterfly species. This imposes discretionary permitting requirements and long-term operational and performance standards on properties and property owners within its boundaries. Most significantly, 40% of the total land area within the R-BA and SCRO-1 district must be set aside as conserved habitat under the provisions of the San Bruno Mountain HCP. To help mitigate this constraint, the City provides density transfer and clustered development programs in the R-BA district. In-lieu fees may also be accepted to allow for development to occur on a site,





while supporting protect habitat elsewhere within the HCP. While CEQA analysis for non-exempt projects may add time and cost to a given residential project that is not eligible for CEQA exemptions, CEQA is a valuable and necessary tool to ensure that the environmental impacts of large-scale projects are adequately analyzed and disclosed as a part of public decision-making. Further, the HCP serves to protect endangered species that are vital to the ecological health of the city and region at large.

The vacant land within the Baylands subarea, identified for rezoning to accommodate the City's RHNA pursuant to Chapter 3, is additionally subject to various permitting and remediation requirements under State law relative to its present status as a former railyard/brownfield site. Remediation of the site is required prior to development by State law and is regulated by the State Department of Toxic Substances Control and the Regional Water Quality Control Board. The cost of remediation and time required to remediate the property is a significant but necessary constraint to protect environmental and human health of future residents and employees.

The Baylands property owner has already invested significant time and monies into the remediation effort in order to complete remediation to the satisfaction of the regulatory authorities, to allow development of housing. The projected 100-year flood areas, accounting for sea level rise, have also been accounted for in the Baylands Environmental Impact Report (EIR). Where required, the ground level will be raised prior to development. The site preparation activities, to address these constraints, and the development of housing are projected to be completed within the Housing Element plan period.

See additional discussion under Section 4.2.1 - Environmental and Physical Constraints, provided at the end of this chapter.

*See Programs 2.B.1, 2.G.1, and 4.A.13.*

### 4.1.1.4 Housing Development Project Regulation Disclosure

Consistent with State law,<sup>3</sup> the City provides the following on its website via the Community Development Department webpages:

- A current schedule of fees, exactions, and affordability requirements for housing development projects.
- Application checklists detailing all requirements for planning and building permit applications.
- All zoning ordinances and development standards adopted by the city or county presenting the information, which shall specify the zoning, design, and development standards that apply to each parcel.
- The current and five previous annual impact fee reports required pursuant to subdivision (b) of Section 66006 (impact fees) and subdivision (d) of Section 66013 (sewer and water connection fees).
- An archive of cost of service studies conducted on or after January 1, 2018.

---

<sup>3</sup> Government Code Sections 65940, 65940.1.

- The total amount of fees and exactions associated with finalized projects.

#### 4.1.2 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 are not to be considered a constraint to housing development that can be removed.

Currently, the City is in the process of adopting the 2022 editions of the California Building Standards Code and other related codes, including reach codes.

The Community Development Department's Building Division administers building permits. The City provides pre-application development consultation with Planning, Building, Public Works, Police and Fire staff upon request and at no charge. Plan checks and construction inspections are conducted by in-house planning and engineering staff and contract building staff. Single-family and small multi-family permits typically receive a first plan check response within three weeks from submittal and payment of required plan check fees. Revisions may be required if the plans are inaccurate or incomplete or do not comply with applicable building, zoning, fire, or other applicable codes. Inspections are typically provided on weekdays 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 through the Police Department to respond to code enforcement issues on a complaint basis. The Code Enforcement Officer works closely with Planning, Building, and Public Works Department staff and the San Mateo County Environmental Health Division to respond to housing-related problems. Response to complaints is generally immediate (same day).

Consistent with Health and Safety Code Section 17980(c)(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. Of the six single-family dwellings demolished in the 2015-2022 planning period, all were redeveloped with either 1:1 replacement or replaced with multiple units. Additionally, the City's nonconforming uses and structures regulations encourage the maintenance and improvement of nonconforming residential uses and structures to ensure their safety throughout their useful life.

*See Programs 7.A.4 and 7.A.7.*

#### 4.1.3 ON- AND OFF-SITE IMPROVEMENTS, RESIDENTIAL UTILITIES, AND INFRASTRUCTURE

The City's standards for on- and 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. This section 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.

See Programs 6.A.2, 6.A.3, and 7.A.6.

#### 4.1.3.1 Infrastructure Improvements

##### Streets

Street improvements are frequently required for new residential development within Central Brisbane. Such development occurs as in-fill within established neighborhoods, with existing streets. Public rights-of-way are generally 40 feet in width and with some exceptions are typically not improved to their full width. Street standards require a minimum improved travel way of 20 feet, plus additional width if on-street parking is permitted. Most of Central Brisbane’s established neighborhoods do not meet current standards and many private improvements encroach within the right of way (including driveways, garages, accessory structures, and fences. This results in very narrow paved travel ways with limited on-street parking and can result in bottlenecks and impede access for emergency vehicles. Additionally, the city’s sidewalk and bicycle network is fragmented in residential neighborhoods outside of the city’s primary arterials. In the Brisbane Acres subarea, most sites are accessed by a network of private streets and driveways, a legacy of the subarea’s development without benefit of a recorded subdivision map.

As a result, the City has adopted requirements for new development or substantial renovations of existing structures to incorporate street widening at the development site’s frontage to the California Fire Code’s 20-foot minimum width, as well as other improvements such as sidewalks and/or bicycle facilities, as appropriate. The standard triggers for street widening/dedication are:

- 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 and 17.34.010);
- Additions or alterations in excess of 50% of the gross floor area of the pre-existing building or structure, or where more than 75% of the existing area of interior walls and ceilings are removed (BMC Chapter 15.10 and Section 17.01.060.C.1) and
- Additions exceeding 100 square feet to an existing building on a private street (BMC Section 17.01.060.B.4).

Typical projects triggering street improvements in Central Brisbane is summarized below:

Project Type	Floor Area	Project Valuation	Existing Condition	Required Street Improvement	Applicant Cost of Street Improvement	% Increase of Project Cost
Addition to SFD exceeding 50% existing gross floor area	1934 sq ft	\$500,000	50 ft frontage on PROW with substandard width	Widening to 20 ft along frontage	\$50,000	10%

New SFD	<del>42003,60</del> 0 sq ft	<del>\$650557,</del> 000	<del>10050</del> ft frontage on PROW with substand ard width	Widening to 28 ft along frontage	<del>\$2100,000</del>	<del>3118</del> %
---------	--------------------------------	-----------------------------	---	-------------------------------------	-----------------------	-------------------

Abbreviations:

SFD: single-family dwelling

PROW: Public right-of-way

Based on available permit data, road widening costs in Central Brisbane average approximately \$2,000 per linear foot of property frontage regardless of the project type. Based on development trends (see Appendix A, 2015-2022 building permit data), street improvement requirements have not imposed a significant constraint to housing development. Note that in the upper hillside streets of Central Brisbane, generally in the R-1 district where streets are substandard, the City requirements are those that are minimal for life-safety, to allow for fire apparatus access. Also, since these are public streets, such street widening is only required along the frontage for the specific development site and not the length of the street beyond the site. For the lower streets of Brisbane, in the districts where multi-family residential development is permitted, street widening is even less of a factor in the project development costs, since the streets are generally already wider and the terrain is flatter.

~~Exemptions from street widening are available for new accessory dwelling units (ADUs) resulting from conversion of existing floor area in a home or accessory structure, as well as any new construction of ADUs that represents less than 50% of the existing gross floor area of the home (BMC Chapter 15.10). Maximum street slope for emergency vehicle access is 15%, with limited exceptions. Sidewalks are required where terrain permits, generally on the lower elevation streets.~~ These requirements have not proven to be a significant obstacle to development of market-rate, single-family homes which continue to be built on steep lots, such as those found on Humboldt Road and other streets in upper Central Brisbane (see building permits for 2015-2022 in Appendix A).

Additionally, exemptions from street widening are available for new accessory dwelling units (ADUs) resulting from conversion of existing floor area in a home or accessory structure, as well as any new construction of ADUs that represents less than 50% of the existing gross floor area of the home (BMC Chapter 15.10).

In the Brisbane Acres, R-BA district, 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-foot 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). ~~Given the infrastructure constraints in the areas not directly serviced by public roads, the vacant sites in these areas have not been included in the sites inventory.~~ In part because of these technical challenges, a program has been included to consider amending the density transfer ordinance provisions to allow for sending sites from this district to other more viable Central Brisbane districts for housing development (see Program 2.G.1). Finally on the Brisbane Acres, given the technical life-safety challenges related to access, development of new units is not used in the sites inventory as a factor in meeting the City’s RHNA, although there are some sites close to or abutting public infrastructure that may be viable for development in this cycle.

Within the Baylands, the proposed residential development areas are currently bounded by Bayshore Boulevard to the west and Tunnel Avenue to the east. A finer grained network of blocks is planned, as shown in Chapter 3, Figure 3.1.b, from the draft Specific Plan. This will provide walkable blocks, to be centered on the CalTrain Bayshore station, and to be developed to current standards.

See Programs 2.A.2 and 2.G.1.

**Water, Sewer, and Storm Drain Infrastructure**

Water, sewer, and storm drain infrastructure are not constraints to housing development in the 2023-2031 planning period. While residential development in Brisbane depends 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. The City does not currently impose infrastructure impact fees, and improvements to sewer, water and storm drain lines by private developers are proportional to those systems affected by the project.

Typical projects triggering off-site water, sewer, and storm drain upgrades in Central Brisbane are summarized below:

Project Type	Project Sq Ft	Required Improvement	Improvement Cost (Charged as Impact Fee)	Cost per sq ft
New SFD	3,100 sq ft	Water and sewer capacity charge	\$9,181	\$2.96/sq ft
New MFD	80,000 sq ft	Water and sewer capacity charge	\$58,748	\$0.73/sq ft

Abbreviations:

SFD: Single-family dwelling

MFD: Multi-family dwelling

Considering high-end construction cost assumptions of \$522/sq ft (See Section 4.2.2 of this Chapter), the cost of required water, sewer, and storm drain upgrades is a small fraction of total construction costs.

Brisbane contracts with the City and County of San Francisco for treatment of dry weather sewage flows for residentially zoned areas. Brisbane's sewage is pumped to the Southeast Wastewater Treatment Plant. 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 (gpd), while single-family homes generate 105 gpd per dwelling unit (gpd/du). Sewer treatment capacity for projected residential development over the planning period outside of the Baylands subarea is accommodated under the City's current agreement with the San Francisco Public Utilities Commission. For the Baylands, a sewer/water recycling facility is required to provide on-site sewer treatment. The Baylands Specific Plan under review by the City includes location and design details for the facility.

*See Program 2.A.2 and 2.B.6.*

#### 4.1.3.2 Water Supply

Water supply in general is not considered a constraint for the infill housing development envisioned during the planning period of this Housing Element. The Baylands is the only vacant site identified for development within the planning period that is not served by existing water infrastructure at scale with its contemplated redevelopment of up to 2,200 units, 7 million square feet of commercial development, and 130 acres of open space and recreation facilities. As a condition of any development on the Baylands, the General Plan requires that adequate additional water supply be provided via legally enforceable agreements negotiated by the developer. The Baylands developer has a memorandum of understanding (MOU) with Contra Costa Water District to purchase water rights to serve the Baylands development, to be conveyed through the SFPUC system. A resolution and formal agreement is anticipated to be completed in 2023. The water demand generated by the Baylands was evaluated in compliance with Government Code Section 66473.7, Public Resource Code Section 21151.9, and Water Code Sections 10910-10912 in the Baylands Draft EIR.

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 (BAWSCA) through various agreements. Based on the City's water demand projections through 2040, including all anticipated housing and commercial development outside of the Baylands subarea, there is adequate supply for all projected residential and commercial development outside of the Baylands subarea under its contractually guaranteed supply through BAWSCA.

The per capita water consumption rate for calendar year 2021 was 43.2 gallons per capita per day—one of the lowest residential rates on the San Francisco Peninsula. A program is included 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.

Per Government Code Section 65589.7, housing with units affordable to lower-income households will be granted priority water and sewer service via Housing Element Program H.B.3.j.

*See Program 2.B.6 and 6.A.3.*



### 4.1.3.3 Energy

Energy use in housing is typically driven by space and water heating needs, with lighting and appliances, 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. Increases in energy costs affect housing maintenance costs.

Many 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, 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.

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) and the City’s reach codes, most recently adopted in 2020. Larger residential projects must be designed to address natural heating and cooling, use of natural daylight, installation of Electric Vehicle (EV) chargers, and other requirements under CalGreen. Residential projects of 20 or more units are currently also subject to the City’s Green Building Ordinance (Brisbane Municipal Code Chapter 15.80); although that will likely be superseded by state requirements with the next update, to be effective on January 1, 2023.

*See Programs 5.A.1, 5.A.4, 6.A.1., 6.A.2 and 6.A.3.*

### 4.1.4 PERMITTING

#### 4.1.4.1 FEES AND EXACTIONS

Fees must be related to the real costs of providing service and generally, by law, cannot exceed these costs. In certain cases, for affordable housing, fees may be subsidized or waived by the City. 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. Since 2011, planning permit fees are adjusted annually for inflation (Table 4-2). Building permit fees, which generally make up the larger portion of the total development fees, have not been raised since 2002.

**TABLE 4-2 CITY OF BRISBANE BUILDING AND PLANNING PROCESSING FEES (FISCAL YEARS 2008-2009, 2013-2014, AND 2021-2022)**

Application Type	2008-2009	2013-2014	2021-2022
------------------	-----------	-----------	-----------

Design Review	\$2,217	\$1,508	\$1,832
Accessory Dwelling Unit Permit <sup>a</sup>	\$609	\$606	\$329
Use Permit for Condominiums <sup>b</sup>	\$1,949	\$1,226	\$0
Use Permit for Condominium Conversions	\$1,949	\$1,226	\$1,491
Use Permit for Nonconforming Parking	\$377	\$1,024	\$1,245
Variance – New Construction	\$1,333	\$1,136	\$1,381
Variance – Remodeling	\$333	\$851	\$1,035
Tentative Parcel Map	\$4,032	\$2,507	\$3,048 + \$551 (City Engineer review)
Final Parcel Map	\$403 + hourly	\$453 + hourly	\$1,500 deposit plus actual cost of consulting land surveyor review
Tentative Subdivision Map	\$2,933 + \$275/lot	\$2,507 + \$275/lot	\$3,048 + \$275/lot
Final Subdivision Map	\$403 + hourly	\$5,789 + \$500/lot	\$7,036 + \$500/lot
Environmental Review – Initial Study/Negative Declaration <sup>c</sup>	\$1,505	\$2,218	\$2,697
Environmental Impact Report	Actual consultant costs	Actual consultant costs	Actual consultant costs
Building Permit Plan Check <sup>d</sup>	\$0.37/sq.ft.	\$0.37/sq.ft.	\$0.25/sq.ft.
Building Permit	\$0.74/sq.ft.	\$0.74/sq.ft.	\$0.49/ sq.ft.

<sup>a</sup> ADU permit only required for new ADUs in the Planned Development and Brisbane Acres Residential districts.

<sup>b</sup> Use Permit requirement for new condominiums eliminated in 2016, Ord. 612; condominium conversions still require use permit.

<sup>c</sup> Not including California Department of Fish & Wildlife filing fees.

<sup>d</sup> For construction types IIN-V-1HR.

Source: City of Brisbane.

According to a 2022 survey of jurisdictions in San Mateo County, the City of Brisbane's fees for a typical single-family residence were nearly 80% less than the average for those jurisdictions responding (Table 4-3). The difference was due, in part, to the City's exemption of single-family residences from design review and low building permit and plan check fees. According to the same survey, the City of Brisbane's fees for a small multi-family development project were over 80% less than the average for those jurisdictions responding (Table 4-4), again attributable to the City's low building permit and plan check fees as well as low development impact fees.

In addition to the standard development fees, the City requires that residential subdivisions of 50 or fewer lots or condominiums pay a parks and recreation land donation in-lieu fee, consistent with State law<sup>4</sup> (subdivisions of more than 50 lots/condominiums must donate parkland). 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 approximately \$3,000 per residence for small subdivisions in Central Brisbane subarea, where land sales per acre are higher relative to land sales in the Brisbane Acres subarea

<sup>4</sup> Government Code Section 66477.





**TABLE 4-3 DEVELOPMENT FEES FOR 2,600-SQUARE-FOOT SINGLE-FAMILY DWELLING PER SQUARE FOOT (2022)**

Location	Entitlement Fees/Sq.Ft.	Construction Fees/Sq.Ft.	Impact Fees/Sq.Ft. <sup>b</sup>	Other Fees/Sq.Ft. <sup>c</sup>	Total Fees/Sq.Ft.
Brisbane	\$0/sq.ft.	\$1.65/sq.ft.	\$3.53/sq.ft.	\$0.33	\$5.51/sq.ft.
Average of Jurisdictions in San Mateo County <sup>a</sup>	\$2/sq.ft.	\$11/sq.ft.	\$10.62/sq.ft.	\$2/sq.ft.	\$25/sq.ft.
<b>Brisbane's Fees Relative to Countywide Average</b>	<b>N/A<sup>d</sup></b>	<b>85% below average</b>	<b>67% below average</b>	<b>84% below average</b>	<b>78% below average</b>

<sup>a</sup> 14 jurisdictions responding including Brisbane.

<sup>b</sup> Includes water (\$2.34/sq ft) and sewer (\$1.19/sq ft) connection and capacity charges. Does not include school district fees.

<sup>c</sup> Other fees per jurisdiction. Does not include school district fees.

<sup>d</sup> No fees charged.

Source: 21 Elements/Baird + Driskell Community Planning, 2022.

**TABLE 4-4 DEVELOPMENT FEES FOR 10-UNIT MULTI-FAMILY RENTAL PROJECT PER DWELLING UNIT (2022)**

Location	Entitlement Fees/DU	Construction Fees/DU	Impact Fees/DU <sup>b</sup>	Other Fees/DU <sup>c</sup>	Total Fees/DU
Brisbane	\$338.50/DU	\$3,456.1/DU	\$5,874.80/DU	\$973.60/DU	\$10,643/DU
Average of Jurisdictions in San Mateo County <sup>a</sup>	\$2,599.20/DU	\$28,740.70/DU	\$37,252.10/DU	\$870.30/DU	\$66,478/DU
<b>Brisbane's Fees Relative to Countywide Average</b>	<b>87% Below Average</b>	<b>88% Below Average</b>	<b>84% Below Average</b>	<b>12% Above Average<sup>c</sup></b>	<b>84% Below Average</b>

<sup>a</sup> Thirteen jurisdictions responding including Brisbane.

<sup>b</sup> Includes water (\$4,014/unit) and sewer (\$1,860.8/unit) connection and capacity charges. Does not include school district fees.

<sup>c</sup> Other fees vary per jurisdiction. Brisbane assesses solar and sprinkler fees separately from the overall construction permit fee. In most jurisdictions such fees are likely encompassed within the overall construction permit fee. Does not include school district fees.

Source: 21 Elements/Baird + Driskell Community Planning, 2022.

where in-lieu fees are closer to \$1,000 per residence. Unlike most fees that are collected prior to issuance of building permits, these fees are due upon issuance of the certificate of occupancy. Exemptions are provided for condominium projects affordable to very-low- or low-income households or restricted for occupancy by seniors (at least 62 years old).

As of 2021, the Brisbane School District and Jefferson Union High School District adopted a \$4.08 per square foot school impact fee for residential development.

Habitat acquisition in-lieu fees may be imposed on land within the Brisbane Acres administrative parcel of the San Bruno Mountain HCP, which include lots in the R-BA and SCRO-1 zoning districts, pursuant to the HCP’s provisions for preservation of 40% of the Brisbane Acres administrative parcel. The fee is typically charged for parcels that are not contiguous to high quality habitat for which on-site easement or land dedication is inappropriate, as determined by the San Mateo County Parks Department. Such in-lieu fees are collected by the City of Brisbane and used for acquisition of high-quality privately owned parcels as identified in the City’s Open Space Plan.

Overall, Brisbane’s entitlement fees, construction fees, impact fees, and other fees are less than neighboring jurisdictions in San Mateo County and based on recent development trends (refer to Appendix A, Table A-2) are not a significant impediment to the feasibility of residential development at the densities permitted by district regulations.

### Fee Waivers

In the case of the Habitat for Humanity affordable housing projects developed in 2006, former 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 Brisbane Housing Authority may be able to do this for future affordable housing projects). The City's density bonus ordinance 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.

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 will 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 2.E.1, 2.E.5 and 2.F.5.*

#### 4.1.4.2 Permit Processing Procedures – Ministerial and Discretionary Review

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 call or 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, ADU, and Duplex Projects

Single-family and duplex residential infill projects are typically exempt from discretionary review under the Zoning Ordinance in districts where such uses are permitted and require only ministerial building permit review.<sup>5</sup> Ministerial review (through building permit applications) for such projects typically takes three weeks. Approval of accessory dwelling unit projects in all zoning districts except the Residential Brisbane Acres (R-BA) and Planned Development (PD) districts are also ministerial, with only a building permit required and ministerial review completed within three weeks. A typical single-family or duplex project would receive a building permit within 12 months of submitting a building permit application.

Single-family dwellings in the SCRO-1 District would require approval of a conditional use permit, which would add approximately 3-6 months to the overall processing timeline to allow for application review, CEQA review, public noticing, and a decision by the Planning Commission to occur. Typically, single-family dwellings in the SCRO-1 District are subject to one public hearing; continuances of such projects are extremely rare. It is worth noting that multi-family and mixed-use

---

<sup>5</sup> Exceptions are limited to the R-BA district, which requires design review for single-family dwellings on ridgeline lots, clustered developments, or density transfer developments.



housing are permitted uses by-right in the SCRO-1 District, and the City does not anticipate sites in the SCRO-1 District to develop as single-family uses in the future.

### Multi-Family and Mixed-Use Developments

Prior to 2022, multi-family and mixed-use projects of two or more dwelling units were subject to the City's discretionary design review ordinance. Depending on the scale of the project, its CEQA status and any other entitlements required (such as Use Permits or Grading Review), a typical discretionary review process for multi-family or mixed-use projects would average seven months. After discretionary review was approved, the building permit process averages 13 months from the date of application submittal to date of permit issuance. In total, previous discretionary review requirements nearly doubled the permit processing time for multi-family and mixed-use developments.

However, beginning in 2022 with adoption of Ordinance 669, multi-family and mixed-use developments of two or more dwelling units are now exempt from discretionary Design Review and subject instead to a ministerial review by the Zoning Administrator for compliance with objective design standards and criteria, consistent with the requirements of SB 35 and the Housing Accountability Act. The City has not yet processed a housing development permit under this new ministerial process and can only speculate on quantifiable reductions in processing time. However, the City intends to utilize this new streamlined ministerial process for housing development projects to generate significant time savings for multi-family and mixed-use developments compared to the previous discretionary design review permit process, and a significant reduction in processing costs and timeframes by at least half the past timeframes. Such projects would be processed under a ministerial Housing Development Permit subject to review by the Zoning Administrator. The process involves public notification and a published staff report analyzing a project's consistency with objective standards. One public meeting is then to be held if there is any public objection to the staff determination. If no objections are received, the Zoning Administrator may take action without a public meeting. If a public meeting is held, its purpose is to allow the public to make comment on a given application, and not to change the ministerial nature of the Zoning Administrator's review. These new procedures are intended to balance providing the public with information about new projects without imposing subjective review that is inconsistent with State law.

Historically, the previous discretionary design review process of multi-family housing did not appear to be a constraint on the production of affordable housing in Brisbane. Typically, a complete design review application would be heard before the Commission within four months, depending upon the completeness of the submitted application, environmental review requirements, and whether review by outside agencies are required (e.g., applications for development within the San Bruno Mountain HCP area require San Mateo County Parks, California Fish and Wildlife, and US Fish and Wildlife review as part of the completeness review. Any required Use Permits, Variances, or other planning permits (Appendix B, Table B.4.2) would be processed concurrently. A typical multi-family project under previous discretionary design review procedures would likely require two to three public hearings, with at least two weeks in between, adding a total of 6-8 weeks of processing time to complete the public hearings. During the 2015-2022 planning period, the City approved all seven design permits submitted for residential development at the density proposed, including applications requesting modifications to on-site parking requirements and other development standards, entitling a total of 38 dwelling units. Key to this successful application processing rate

was the City's commitment to encouraging diversity of design and individual expression in residential development (1994 General Plan Policies LU.12 and LU.13) and, as a result, discretionary design review focused on issues of safety and safe, efficient site design and allowed greater freedom in regard to architectural styles and exterior finishes and materials.

In order to accommodate the City's RHNA share for very-low- and low-income households in the 2015-2022 Housing Element cycle, the City adopted two housing overlay zones in the Parkside subarea that permit owner-occupied and rental multifamily residential use by right (without a Use Permit) with ministerial approval by the Community Development Director prior to building permit application submittal. Both the PAOZ-1 and PAOZ-2 zoning districts and the Parkside at Brisbane Village Precise Plan contain objective design standards to address community concerns regarding building height, massing, and scale, and compatibility with existing development in Central Brisbane and the Community Development Director does not make discretionary findings of approval in considering the projects conformance with such objective standards. No meeting is required for the Director's ministerial review of a project.

Transitional and supportive housing are treated the same as other residential uses per BMC Section 17.02.235. Emergency shelters are 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 defined as multiple-family dwellings and are subject only to objective design standards in those districts where multiple-family dwellings are permitted by-right, in the SCRO-1, R-2, R-3, PAOZ-1, and PAOZ-2 districts.

*See Programs 7.A.4, 7.A.5 and 7.A.7.*

#### 4.1.4.3 Subdivision Applications

Tentative subdivision (five or more lots or condominiums) and parcel maps (four or fewer lots of condominiums) are reviewed by the Planning Commission, with final subdivision maps requiring City Council approval and final parcel maps requiring City Engineer 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 than applications for single-lot developments. Once a complete application is submitted, parcel maps typically take two months to be approved by the Planning Commission and an additional three months to be approved by the City Council. Planned Development permits require a similar process for approval.

*See Program 7.A.4, 7.A.5 and 7.A.7.*

#### 4.1.4.4 Permit Processing Procedures and Technology

Prior to 2020, the City processed both building and planning permit applications largely in paper form, though some building permits were processed electronically using a proprietary software custom-built for the City in the early 2000's. With the onset of the COVID-19 pandemic and subsequent shift to remote work at City Hall, the City pivoted to all electronic building and planning permit application processes using the existing building permit software and the City's new website, which expanded the City's ability to process any form electronically. While the pivot was successful in many ways, and the City was successful in processing complex building and planning permit



submittals without significant increases in processing time, the Community Development Department recognized that to continue to provide excellent service and improve project processing in a digital world, significant technology upgrades were needed. Pursuant to a Citywide Technology Master Plan adopted by the City Council in 2022, the Community Development Department will implement a new land management system to enhance interdepartmental and interagency coordination in development review, reduce permit processing times, and make the review process more transparent to applicants and the public. In 2022, the City also completed a Citywide process engineering review to map the permit review process in all City departments in order to identify areas for process improvements and what features in the new land management software would be most effective for both the City and applicants.

*See Program 7.A.4.*

### 4.1.4.5 Accommodating Lower Density Requests

Most of Brisbane's site inventory to meet the RHNA is within the Baylands and the Parkside areas. The Baylands is subject to rezoning through a specific plan, which is in process and scheduled to be adopted within the first three years of the Housing Element plan period (see programs 2.A.2 and 2.B.1). Parkside has an existing precise plan, which was established in the 5th RHNA cycle (see Programs 2.A.1 and 2.F.1). These two areas either already have or will have minimum density standards, as detailed in Chapter 5 – Housing Plan. It is not anticipated that an application for either site would be submitted for a housing density below the minimums defined in the Housing Plan. Conversely, housing developers are generally seeking to maximize density where possible. In the event that a lower density request is submitted, the City would work with the applicant to make up the housing within the respective zoning district, with a higher density on another portion of the site. Note that both districts have owners with control over multiple sites. If that could not be accomplished, the City would consider the density reduction request as a modification to the specific plan or precise plan and concurrently would consider other replacement sites outside the developers site(s) to ensure the RHNA is still met (see program reference below).

Whether the deficit is made up on replacement sites or by increased density with the plan area, the planning permit request would be expected to add approximately 4 to 6 months to the timeline before a building permit could be processed.

Other sites in the Housing Plan inventory do not have density minimums.

In case a lower density request is received, a program has been included to "Monitor the adequate sites inventory to ensure adequate development capacity will be maintained throughout the planning period to accommodate the RHNA per Government Code Section 65863." This would apply to all RHNA income levels.

*See Program 2.A.4.*

### 4.1.5 CONSTRAINTS TO HOUSING FOR PERSONS WITH DISABILITIES

Given the accessibility challenges presented by Brisbane's terrain, it is important that the City's ordinances allow flexibility in terms of accessibility in housing designed for, intended for occupancy by, or with supportive services for persons with disabilities.

#### *Reasonable Accommodations*

Requests for reasonable accommodations are provided under BMC Chapter 17.32. The Accessibility Improvement Permit (AIP) or height exception permit, as applicable, are processed by the Zoning Administrator subject to an administrative hearing with 10 days mailed notice to adjacent property owners. One hearing is typically required. The process provides for reasonable accommodation of modifications to zoning regulations such as setbacks, lot coverage, or height for alterations to housing persons with disabilities with minimal delay and cost to the resident. The findings made by the Zoning Administrator for an accessibility-related height exception include:

1. The exception is necessary to meet special needs for accessibility of a person having a disability which impairs his or her ability to access the property.
2. Visual impacts of the accessibility improvements exceeding the height limit will be minimized.
3. The accessibility improvements will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise or glare.
4. The accessibility improvements will be constructed in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes.

The approval findings are tailored to ensure the accessibility needs of the resident are met while minimizing potential impacts to neighboring properties to the extent feasible without compromising the necessary access improvements. The City has approved all AIP and exception permits submitted under the reasonable accommodation ordinance since 2005.

In 2016 the City adopted an ordinance that reduced the parking requirements for units designed and dedicated for use by persons with disabilities, as well as seniors.

Exceptions to the building codes are processed by the Building Official or his/her designee. Applications for accessibility retrofitting are given the highest priority in terms of building permit processing.

For some persons with disabilities, the need for housing can be at least temporarily met through transitional housing, supportive housing (including single-room occupancy units), emergency shelters and convalescent homes. The Municipal Code allows all these types of housing in districts where residential development is allowed. The Municipal Code, through its definitions of "dwelling" (BMC Section 17.02.235), "family" (BMC Section 17.02.285) and "group care home" (BMC Section 17.02.370), treats group care homes for six or fewer persons (regardless of relationship) as single-family residences:



## 4. HOUSING CONSTRAINTS

*"Family" means one or more persons, related or unrelated, occupying a dwelling unit and living together as a single housekeeping unit. The term shall not include a group of persons occupying a fraternity or sorority house, club, hotel, motel, convalescent home, group care home or institution of any kind.*

The definition of family does not limit the number of persons to be considered a part of the family unit, nor does it require such persons to be related.

*"Group care home" means an establishment licensed by the state to provide twenty-four (24) hour nonmedical care for seven (7) or more persons (not including the operator, the operator's family or persons employed as staff) in need of supervision, personal services, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Also see "dwelling, single-family" for six (6) or fewer persons.*

*"Single-family dwelling" means a dwelling unit constituting the only principal structure upon a single site (excluding any lawfully established accessory dwelling unit that may be located within the same structure on upon the same site). The term includes employee housing for six (6) or fewer persons, residential care facilities, licensed by the state to provide twenty-four-hour nonmedical care, serving six (6) or fewer persons (not including the operator, the operator's family or persons employed as staff) in need of supervision, personal services, or assistance essential for sustaining the activities of daily living or for the protection of the individual.*

As noted above, group homes of six or fewer persons are also defined as the same as single family dwellings and treated no differently in the same districts. Group care homes (for seven or more persons) are conditionally permitted in all residential and mixed-use districts (Appendix B, Table B.4.2). This requirement for a Use Permit has not constrained provision of the services typically associated with group homes. The findings for Use Permit approval have not proven to be an obstacle for any large group care home applications received to date. The City has no requirement that such homes be located a specified distance from one another, as evidenced by the previous approvals of two such homes next door to one another in the Southwest Bayshore subarea (page II-5). The Use Permits for those two projects were approved in 1½ months subject to a minimum of conditions. Note that the only finding for approval of a conditional use permit in any of the districts, as provided in BMC Section 17.40.060, addresses whether the use would be “detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city”. Such a finding would not typically be of concern in housing individuals that require care in a group home environment. [Despite that, Program 2.A.11 has been included to amend the definitions and district’s use provisions to remove the requirement for a conditional use permit for group homes of seven or more persons and allow group homes by right in all districts allowing residential uses.](#)

As noted in Chapter III, there were 26 persons with developmental disabilities in Brisbane in 2020, all of whom lived with their families or caregivers rather than independent or assisted living facilities. Types of housing which may be appropriate for persons with developmental disabilities include licensed and unlicensed single-family homes and group care homes, particularly when made

affordable through rent subsidies, Housing Choice vouchers and other special programs. Such housing should be designed to be accessible and located close to services and transit.

See Programs [2.A.11](#), [2.B.1](#), [2.B.2](#), [2.D.1](#), ~~[2.E.1](#)~~ [and 7.A.10](#).

## 4.2 NON-GOVERNMENTAL CONSTRAINTS

The primary non-governmental constraint to the development of housing in Brisbane is the cost to develop housing, which is driven by four major components:

- the price of land,
- the cost of construction,
- the availability of financing
- environmental and physical conditions.

While these factors constrain development of housing of all affordability levels, the impact on development of affordable and special-needs housing by non-profit developers is especially acute. Such developers generally have less capital to purchase developable land and finance construction using a patchwork of Federal, State, local, and private funding sources.

The cost to develop housing creates a gap between the City's planning for the development of housing for all income levels and the construction of that housing and is often responsible for the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development.

Contributing factors to the cost of construction include environmental constraints and infrastructure constraints. The Brisbane Acres subarea includes a number of large vacant lots, generally approximately 1-acre each, but these are within an environmentally sensitive area which is regulated by the San Bruno Mountain Habitat Conservation Plan for the protection of endangered butterfly species. The area is also largely constrained by steep topography and lack of road and utility infrastructure, with exceptions in the lower Brisbane Acres areas.

In the Central Brisbane subarea, steep topography in the upper streets along with the small sizes of most residentially zoned lots and scattered ownership of such lots poses a challenge to assembling larger parcels that are more feasible for housing development beyond individual single-family homes or small-scale multiple-family developments. Small scale development, under six units, is not subject to inclusionary zoning provisions and so development on these smaller scattered lots will generally only provide market rate units, with the exception of ADUs. Finally, redevelopment of non-vacant sites occupied by lower intensity housing in the multiple-family zoning districts in the Southwest Bayshore and Central Brisbane subareas or commercial development in the Parkside overlay districts is constrained by the lack of interest or incentives on the part of private property owners occupying the property or landlords receiving passive income from the property.

The subsections which follow evaluate these constraints in detail and include references to policies and implementation programs to address and where possible mitigate them.





### 4.2.1 LAND PRICES

As shown in Chapter III, Residential Sites Inventory (Table 3-2), vacant land in Brisbane available for new housing construction is scarce. Vacant residential sites in Brisbane have significant development constraints that must be addressed at substantial cost, as shown in Table 4-5. Developed sites similarly command a high sales price per square foot, as shown in Table 4-6, and require demolition and displacement of existing uses in order to be redeveloped for residential purposes.

An analysis of vacant land costs specific to the City of Brisbane is difficult to perform, given the small number of transactions. According to Zillow, between 2019 and 2022 five properties zoned for residential development sold in Brisbane for an average of \$48.77 per square foot, and a median of \$64 per square foot. Values per square foot for vacant land in the R-BA District (represented by one land sale in the given time-period) are much lower than in the R-1, R-2 and R-3 Districts due to the larger size of the properties and development constraints, including steep slopes, lack of infrastructure and inclusion in the San Bruno Mountain Habitat Conservation Plan, which adds regulatory and environmental constraints to development.

**TABLE 4-5 VACANT, RESIDENTIALLY ZONED LAND SALES IN BRISBANE: 2019-2022**

APN(s)	Address	Zoning (Single-Family, Multi-Family, Mixed-Use)	Lot Size (Approx. Sq.Ft.)	Sales Price	Price/ Sq.Ft.	Date of Sale
007556010 007560120 007560130 007560140	1100 San Bruno Ave	R-BA (S-F)	178,160	\$2,200,000	\$12.35	10/18/2021
007461020	100 Lake St	R-1 (S-F)	5,770	\$550,000	\$95.32	10/22/2021
007560210	3900 Bayshore Blvd	SCRO-1 (S-F, M-F, M-U)	11,977.4	\$720,000	\$60.11	5/3/2021
007242090	20 Tulare St	R-1 (S-F)	5,000	\$320,000	\$64	3/13/2020
007560080	3998 Bayshore Blvd	SCRO-1 (S-F, M-F, M-U)	9,040	\$550,000	\$60.84	2/28/2020
					<b>Median</b>	<b>\$64</b>
					<b>Average</b>	<b>\$48.77</b>

Source: Zillow.com.

**TABLE 4-6 DEVELOPED RESIDENTIALLY ZONED LAND SALES IN BRISBANE: 2019-2022**

APN	Address	Use (Single-Family, Multi-Family, Mixed-Use)	Zoning	Lot Size (Approx. Sq.Ft.)	Sale Price	Price/ Sq.Ft.	Date of Sale
007221030	34 Visitacion Ave	M-F	NCRO-2	7,500	\$6,000,000	\$800	8/31/2021

Source: Zillow.com.

Expanding the dataset to include land sales throughout San Mateo County and neighboring Santa Clara County, land costs for typical multi-family construction in San Mateo County are approximately \$100,000 per unit. Land for single-family homes in San Mateo County averages \$110 per square foot, though recent sales in single-family districts in Brisbane average approximately \$57 per square foot.<sup>6</sup>

The City will prioritize leveraging its Low- and Moderate-Income Housing Funds managed by the Brisbane Housing Authority to offset land acquisition costs for affordable housing developments to address this constraint by directly subsidizing the purchase of land to be developed for affordable housing. In addition, as required under the Surplus Land Act, the City will engage in good faith negotiations with housing sponsors prior to disposing of any surplus land and may do so at below-market rate costs.

*See Programs 2.D.1 and 2.E.1.*

#### 4.2.2 CONSTRUCTION COSTS

Construction costs include the cost of labor and materials (referred to as hard costs), as well as architectural and engineering services, development fees and insurance (soft costs). In San Mateo County, hard costs account for approximately 66% of the development costs for multi-family

<sup>6</sup> Century | Urban, 2022; Zillow, 2022.



development, with soft costs averaging around 22%, and the remainder being land costs; for single-family development, hard costs are approximately 44%, soft costs are 15%, and the cost of land is the remainder.<sup>7</sup>

According to housing developers in San Mateo County, construction costs for multi-unit buildings vary based on the form of parking (structured vs. surface) in addition to other environmental factors such as topography, pre-existing structures etc. For a multi-unit building, total construction costs are estimated at \$521,500 per unit or \$522 per square foot, a significant increase from 2014 when construction costs ranged from \$172 to \$200 per square foot for multi-family development.<sup>8</sup>

For single-family homes, average construction costs in San Mateo County range from \$420 per square foot of floor area to \$525 per square foot and from \$1,092,000 to \$2,625,000.

Because of steep terrain in many residentially zoned areas of Brisbane, projects often require extensive foundation and soil preparation, which means that construction costs in Brisbane may exceed those elsewhere in the County. According to the Association of Bay Area Governments, the most cost-efficient method of residential development is wood frame construction at 20 to 30 units per acre. On some of the steepest upslope sites, concrete foundation work can extend up several stories.

While construction costs on Brisbane lower elevation streets are less constrained by topography, the cost for labor, materials and equipment for construction is still high and would be expected to be close to the average for the County. To address this constraint, Brisbane Housing Authority Low- and Moderate-Income Housing Funds could be used to subsidize development costs for affordable housing projects. Density bonuses and incentives and concessions under density bonus law can also offset construction costs.

*See Programs 2.D.1 and 2.E.1.*

### 4.2.3 AVAILABILITY OF FINANCING

#### 4.2.3.1 Homebuyer Financing

In order to qualify for a mortgage loan, an applicant must be able to demonstrate a degree of financial stability to the lending institution. Generally, as the amount of mortgage increases, lending institutions require additional security, such as excellent credit scores and cash reserves. Traditional mortgage loans typically can cover up to 90% of the home cost but may charge private mortgage insurance (PMI) for down payments of less than 20% or 15%. Given the median price of a home in Brisbane in 2021 of \$1,300,000 (see Chapter 2, Table 2-19), this leaves moderate- and low-income homebuyers with no or few options for financing. To make up this gap, local, State, and Federal programs are available to qualified first-time buyers that allow for down payments as low as 3.5% (California Housing Finance Agency). In San Mateo County, the Housing Endowment and Regional

---

<sup>7</sup> Century | Urban, 2022.

<sup>8</sup> Baird + Driskell Community Planners, 2014.

Trust (HEART) provides moderate and low-income first-time homebuyers to pay 5% down payments with no PMI.

Mortgage interest rates are a significant factor in consumer purchasing power and home sale prices. From 2019 to 2021, mortgage interest rates in San Mateo County and nationwide reached historic lows as the Federal Reserve dropped interest rates in response to the COVID-19 pandemic, with a 30-year fixed mortgage rate average of 2.68%.<sup>9</sup> However, mortgage interest rates began to rise in 2022 as inflation rose to over 8%, with rates in April 2022 approaching 5%, and most industry leaders predicting continued increases in 2022.<sup>10</sup>

The data in Table 4-7 below shows loan application data by household income in 2017 for 1- to 4-unit properties and manufactured homes. Approximately 86% of loan applications in the San Francisco-San Mateo-Redwood City MSA were filed by above moderate-income households, a significant increase from 2012 when such households submitted 65% of all applications. Moderate-income households represented 10% of loan applicants, compared to 18% of applicants in 2012. Low-income households represented 3%, compared to 12% in 2012, and very-low-income households (less than 50% of AMI) only 1%, compared to 4% in 2012. Approximately 77% of all loans were approved and accepted by the applicants, and 7% were denied, similar to trends in 2012 when 75% of loan applications were approved and 10% denied. Overall, this data illustrates the growing housing affordability gap for moderate-, low-, and very-low-income households in San Mateo County and surrounding communities and increasingly uneven distribution of homeownership among above moderate-income households.

**TABLE 4-7 DISPOSITION OF APPLICATIONS FOR CONVENTIONAL HOME PURCHASE LOANS (2017)**

Income Level	Number of Loan Applications	% of All Loan Applications	% of Loans Originated	% of Loan Applications Denied	% Other*
Less than 50% AMI	92	1%	0.4%	3%	1%
50% to 80% AMI	451	3%	3%	7%	4%
80% to 120% AMI	1,274	10%	9%	14%	10%
120%+	11,606	86%	88%	75%	86%
<b>All</b>	<b>13,452</b>	<b>100%</b>	<b>77%</b>	<b>7%</b>	<b>16%</b>

Note: \* includes loans applications approved but not accepted, loan applications withdrawn, and incomplete files.

Source: HMDA Data, 2017 for San Francisco-San Mateo-Redwood City MSA, Tables 5-1 and 5-2.

<sup>9</sup> "Historical Mortgage Rates from the 1970s to 2021: Averages And Trends," Rocket Mortgage, May 2, 2022. Website: <https://www.rocketmortgage.com/learn/historical-mortgage-rates-30-year-fixed?msclkid=062d4d3ecfb211eca9c2f9aea5201a78>, accessed May 9, 2022.

<sup>10</sup> "Mortgage Interest Rates Forecast: How High Will Rates Climb In 2022?" Forbes Magazine, May 4, 2022. Website: <https://www.forbes.com/advisor/mortgages/mortgage-interest-rates-forecast/#:~:text=The%20average%20rate%20on%20a%2030-year%20fixed-rate%20mortgage,rise%20much%20higher%20than%203.1%25%20to%203.3%25.%20?msclkid=062bf4c7cfb211ecbfa1caf1a4f11ab5>, accessed May 9, 2022.



To help address mortgage constraints for low- and moderate-income buyers, the City will continue to support efforts to provide assistance to the City's first-time homebuyers.

*See Programs 2.E.2 and 2.E.3.*

### 4.2.3.2 Homebuilder Financing

Due to Federal and State budget cuts, affordable housing developers have had a much harder time securing funding. Since 2009, the Federal Government has cut programs such as Community Development Block Grants, HOME, and HOPE VI funding by 27% to 50% (ABAG). Traditionally, these programs have been a large source of affordable housing funds. In addition to Federal cuts, the State dissolved Redevelopment agencies in 2012, resulting in a loss of millions of dollars in funds for affordable housing. The tax increment for low- and moderate-income housing from Redevelopment agencies was the most significant source of funding for affordable housing in small communities. However, Low-Income Housing Tax Credits still provide an important source of funding, so it is important for the City to consider which sites are eligible for affordable housing development.

To help address construction loan constraints for affordable housing developers, the City will consider using its limited Brisbane Housing Authority Low- and Moderate-Income Housing Funds to subsidize development costs in privately financed affordable residential and mixed-use projects.

*See Programs 2.E.2 and 2.E.3.*

### 4.2.4 ENVIRONMENTAL AND PHYSICAL CONDITIONS

Contributing factors to the cost of construction include environmental and physical constraints.

The Brisbane Acres subarea includes a number of large vacant lots, generally approximately 1-acre each, but these are within an environmentally sensitive area which is regulated by the San Bruno Mountain Habitat Conservation Plan (HCP) for the protection of endangered butterfly species. The area is also largely constrained by steep topography and separation from City infrastructure, with some exceptions in the lower Brisbane Acres areas. However, some market rate infill housing has occurred during the last housing element cycle and development interest remains in some of the lower Brisbane Acres sites.

The Southwest Bayshore SCRO-1 district is within the eastern edge of the HCP. However, recently biological survey work throughout this subarea has not shown viable butterfly habitat. These sites also generally steepen to their rear, but they are fronted by Bayshore Boulevard and the infrastructure located there.

Similarly, in the upper portions of the Central Brisbane subarea, steep topography poses challenges, with high cost of construction, especially for deep foundation work. However, Central Brisbane's upper streets have continued to experience development of market rate, infill single family homes, since these sites generally have immediate street and utility infrastructure access. One return for the high cost of construction on most of both the Brisbane Acres and upper Central Brisbane sites is that of exceptional views of the San Francisco Bay.

Crocker Park's Parkside Area is comprised of essentially flat sites, served by infrastructure. The primary physical constraint for these sites is the existing warehouse buildings. This has been addressed in Chapter 3 and Appendix B.

The Baylands was largely formed by man-made fill to allow construction of the rail yard in the early 1900's and it operated into the 1960's, so the topography is essentially flat. Although the rail yard structures and tracks have been removed, environmental constraints are posed by its industrial history and it's now a brownfields site. Certain areas contain subsurface soil and groundwater contamination from Bunker C oil, metals and volatile organic carbons. While remediation of these contaminants to residential standards is costly, the owner already has a substantial investment in site characterization and preparation of remedial action plans (RAPs). These RAPs have been approved by the Regional Water Quality Control Board (RWQCB)<sup>1</sup> and the Dept of Toxic Substances Control (DTSC)<sup>2</sup> and remediation and development is feasible within the plan period, since much of the remediation will involve capping the contamination utilizing soil stockpiles from the east side of the Baylands site. Links to the RAPs are provided below. In recognition of the cost of site remediation as a potential constraint the City of Brisbane obtained a \$3M Equitable Communities Revitalization Grant (ECRG) from the CA Department of Toxic Substances Control (DTSC) for remediation planning activities for the Baylands.

There are no known constraints that would preclude development of residential units within the plan period.

See further discussion under as they related to land use regulation under Section 4.1.1.3 Other Land Use Controls, Environmental Regulation.