



MEMORANDUM

Date: April 17, 2014
To: Planning Commission
From: Janice Stern, Planning Manager
Subject: **Workday Project's Consistency with State Housing Law**

Approval of this proposal will require rezoning of the 6.9-acre BART site from PUD-HDR/C (Planned Unit Development – High Density Residential/Commercial) District to PUD-MU (Planned Unit Development – Mixed Use) District. According to State Housing Law (Sec. 65863), as this site was previously rezoned to accommodate a 350 unit multifamily residential project and this project was included in the City's Housing Site inventory for the 2007-2014 Housing Element of the General Plan, the City may not rezone this site to reduce (or eliminate) residential development unless it makes written findings for both the following:

- a) The reduction is consistent with the adopted General Plan, including the Housing Element;
- b) The remaining sites identified in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584.

The staff report discussed the consistency of the proposed development with the General Plan Land Use Element. Regarding consistency with the Housing Element policies and programs, the following program is relevant to this proposal:

Program 1.1: Discourage the redesignation of areas designated for High Density Residential development. The objective of this program is to ensure that adequate sites are available to accommodate the City's regional housing need for all income levels.

The Workday proposal would result in the redesignation of a site designated for High Density Residential development. However, the objective of the program is to ensure that adequate housing sites are available. The table on the following page is from the Housing Element Background Report.

**Table III-1
Showing Sufficient Appropriately-Zoned Land to meet the City's Housing Need**

	Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income
Remaining Need from 1999-2007	871	0	871	0	0
2007-2014 RHNA	3,277	1,076	728	720	753
Total RHNA	4,148	1,076	1,599	720	753
Minus Permits Finaled 2007 through 2010	319	0	5 ¹	38 ²	276
Minus Units under construction	82	0	5 ³	39 ²	38
Minus Approved (zoned) projects with building permit not issued	1,321	102 ⁵	32 ⁶	312 ⁷	875
Remaining units to be accommodated	2,862	2,531		331	-436
Land designated for residential development with no entitlements (Appendix B) ⁴	3,447	2,774 ⁸		474	199
Remainder: Capacity over and above housing need	500	243		99 ⁹	594 ¹⁰

Notes:

1. Low income units from Birch Creek project.
2. Includes 2 units from Birch Creek, 31 second units, and 5 apartment units.
3. Low Income Civic Square Apartments
4. Includes 7 second units, 31 moderate income Civic Square Apartments, and 1 apartment.
5. Includes 32 units in the Continuing Life Communities Agreement, and 70 units in the Windstar Agreement.
6. 32 units affordable to Low Income Households in the Continuing Life Communities Agreement.
7. Includes 32 units affordable to Moderate Income Households in the Continuing Life Communities Agreement and the balance of the Windstar Apartments (280).
8. Sites 24 through 33 in Appendix B, plus 76 units in the Affordable Housing Agreement for sites 22 and 23.
9. Balance of units from Sites 22 and 23, plus Site 5 in Appendix B
10. Sites in Appendix B not counted in Notes 8 and 9.

As noted in the last row of the above Table, there are a number of "remainder units," i.e. the City's inventory of available sites and previously approved development exceeded the City's RHNA need. There was an excess of 243 units in the Low and Very Low Income categories, and 99 units in the Moderate Income category. In addition, the California Center Project was approved with 305 multifamily units which exceeded the minimum density requirement by 11 units. These "excess" units add to 353 housing units, which would exceed the loss of units (350 units) as a result of the proposed rezoning. Therefore, the City can make the required State findings.