

March 18, 2010

Agenda Item \_\_\_\_\_  
March 30, 2010

Honorable Board of Supervisors  
Administration Building  
Oakland, California 94612

Dear Board Members:

**SUBJECT:     APPROVAL OF THE ALAMEDA COUNTY HOUSING ELEMENT UPDATE  
(2009-2014), AND ADOPTION OF THE DRAFT INITIAL STUDY AND  
NEGATIVE DECLARATION**

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

1. Adopt the revised draft Initial Study and Negative Declaration prepared for the Alameda County Housing Element Update; and
2. Approve the revised draft Alameda County Housing Element Update, with changes recommended by the Planning Commission, as an amendment to the County's General Plan

**SUMMARY:**

*Introduction*

State Government Code Sections 65580 - 65589.8 require local jurisdictions to prepare and to adopt housing elements within their general plans that: outline housing needs in the community; discuss barriers or constraints to the development of housing; include an inventory of sites available to accommodate the community's housing need; and provide a plan to address housing issues over a designated planning period. The State Department of Housing and Community Development (HCD) is granted the authority to review housing elements for consistency with State law and certify housing elements meeting the State's standards, conduct annual reviews of associated implementation programs, and sanction local jurisdictions whose housing elements fail to meet certification criteria. The adoption by your Board of the revised draft Alameda County Housing Element Update and the certification of the Initial Study and Negative declaration is a key step towards meeting the State's requirements for housing elements.

State Certification of its Housing Element Update is important to the County for the following reasons:

- to be eligible to apply for State and Federal grants for housing opportunities;
- to provide housing for all income levels which is a crucial component of maintaining the economic vitality of the communities we serve;
- to avoid possible State penalties (such as the withholding of transportation funding);
- to avoid exposing the County to costly litigation; and
- to maintain a consistent and legally defensible general plan and zoning ordinance.

The revised draft Housing Element was transmitted to your Board on October 26, 2009. Changes to the text recommended by the Planning Commission on January 25, 2010 have been included as Attachment B. Upon Board approval, the adopted Housing Element Update will be transmitted to State HCD for review and certification. A response from State HCD is required within 90 days of the receipt of an adopted housing element.

*Regional Housing Needs Assessment (RHNA)*

Housing element law requires all local governments to adequately plan to meet their existing and projected housing needs including their share of the regional housing need. The State of California allocates, through local Councils of Government (COG), each locality's share of the Regional Housing Needs Determination, which the jurisdiction is to plan for in the development of the Housing Element. In the Bay Area, the regional housing need is determined by the Association of Bay Area Governments (ABAG) through the Regional Housing Needs Assessment (RHNA) process. The RHNA planning period for this element is 2007-2014. The RHNA process specifies the number of housing units that must be accommodated in four income categories: very low, low, moderate and above moderate. RHNA is not a production quota; however, demonstration of adequate capacity for new dwelling units on vacant or underutilized sites is the basis for compliance with the RHNA component of housing element law.

For the 2007-2014 period, the County's RHNA numbers are listed below:

**Regional Housing Need Allocation (January 1, 2007 - June 30, 2014)**

<b>Very Low &lt; 50%</b>	<b>Low &lt; 80%</b>	<b>Moderate &lt;120%</b>	<b>Above Moderate &gt;120%</b>	<b>Total</b>
536	340	400	891	2,167

By way of comparison, for the 1999-2006 planning period the numbers were as follows:

**Regional Housing Need Allocation Prior Housing Element (1999-2006)**

<b>Very Low &lt; 50%</b>	<b>Low &lt; 80%</b>	<b>Moderate &lt;120%</b>	<b>Above Moderate &gt;120%</b>	<b>Total</b>
1,785	767	1,395	1,363	5,310

The current RHNA allocation represents a 59% reduction in the RHNA from the prior Housing Element.

*Sites Inventory*

The element must include a detailed land inventory and analysis including a site-specific inventory listing properties, zoning and general plan designation, size and existing uses; a general analysis of environmental constraints and the availability of infrastructure, and evaluation of the suitability, availability and realistic development capacity of sites to accommodate the jurisdiction's share of the regional housing needs. Chapter 3 of the revised draft Housing Element addresses this requirement.

The following facts should be noted with respect to the draft Sites Inventory:

- The parcels contained therein would not require any rezoning to achieve their stated “realistic development capacity”.
- Staff relied upon parcels that were previously identified in the County’s 2003 Housing Element and those sites that were rezoned as a part of its implementation in 2005 and 2006.
- Staff evaluated over 1,200 parcels for inclusion on the Sites Inventory; 319 parcels were selected.

The screening methodology assisted staff in identifying sites that were either vacant or otherwise underutilized. Generally, the parcels identified could support two or more units based on their current zoning and General Plan designation; were developed at less than 70% of their total capacity; had improvements more than 30 years old; and possessed few environmental or infrastructure constraints to make them ineligible for development over the planning period.

#### *Public Process*

The Housing Element update began in January 2009 with the creation of a Housing Element project team consisting of staff from the Community Development Agency’s Planning and Housing and Community Development Departments. At its January 20, 2009 meeting the Planning Commission created a Housing Element Subcommittee to oversee the drafting of the Housing Element update and to guide the preparation of the document. A webpage was created (<http://www.alameda.ca.gov/development/housing>) to inform the community about the Housing Element Update, provide notice of public meetings, and to afford access to pertinent documents. To date, a total of 13 public meetings have been completed seeking input from various community groups, the Planning Commission, and your Board in order to develop the Housing Element Update. At its January 25, 2010 meeting, the Planning Commission passed a motion recommending the transmittal of the draft document to the Board for adoption. Proposed modifications to the text recommended by the Planning Commission are presented in Attachment B. What follows below is a brief summary of the issues addressed during the public participation process. A summary of public comments is provided in Appendix H of the revised draft Housing Element text.

The meetings convened to discuss the housing element have focused upon the accuracy of the information received from ABAG, specifically jobs and populations projections, as well as the RHNA assigned to the County; the impact of increased development within the communities of Ashland, Cherryland, and Fairview; concerns over inadequate public amenities and resources to support increased development in the unincorporated areas; and the desire to see commercial development be the focus of the County’s efforts in the unincorporated areas.

In response to comments about the accuracy of data contained in the Housing Needs Assessment, the Planning Department has committed to participating in future discussions convened by ABAG or the State that address data collection and the calculation of the County’s RHNA allocation for future planning periods.

The department’s ability to address resident’s concerns over the impact of increased development in their communities is greatly affected by the adoption of the Urban Growth Boundary as imposed by Measure Din 2000. In effect, Measure D removed unincorporated eastern Alameda County from consideration for future residential development. With a focus on the more developed western portion of Alameda County, staff distributed the housing need across the various communities to the extent practicable, taking into consideration the County’s RHNA and the current zoning and densities allowed per the County’s General Plan. The table below (Table III-5 of the revised draft Housing Element) summarizes these data.

<b>Community</b>	<b># of Units</b>	<b># of Parcels</b>	<b>% of Total Units</b>
Ashland	502	29	21%
Cherryland	427	93	18%
Castro Valley	402	63	17%
Fairview	223	52	9%
Hayward Acres	372	60	16%
San Lorenzo	444	22	19%
<b>Total Capacity</b>	<b>2,370</b>	<b>319</b>	<b>100%</b>

Resident concerns over increased residential development and the preference for commercial development is a frequently cited critique of the various Planning documents the department prepares, most notably our general plan elements. In the case of the housing element the focus is only on residential, so it follows that the plan does not address in any significant way the outlook for commercial development. Economic Development and the County's efforts to attract new investment are addressed adequately in other portions of the General Plan, and through the Economic Development Strategic Plan. Staff believes efforts to attract residential and commercial development are not mutually exclusive as the successful implementation of both can ensure vibrant communities throughout the unincorporated County.

In regards to impacts created by residential development, the Zoning and Subdivision Ordinances have requirements to ensure a vigorous public process and vetting by members of the community. The California Environmental Quality Act is used to ensure that individual projects are evaluated for negative impacts. Should adverse environmental impacts arise from the proposed development, mitigation measures will be imposed to reduce those identified impacts to a less than significant level.

Furthermore, staff is nearing completion of draft Design Guidelines that will be used to ensure that residential development is consistent with the community's character. It is also important to note that the Housing Element Update does not grant any approvals or entitlements to a single project. The parcels contained on the Sites Inventory have no special status conferred upon them for development purposes, the RHNA number is not a housing production quota, and there is no requirement that parcels be developed to their "realistic development capacity" as quantified in the Sites Inventory. Moreover, the number of units that are constructed are determined by factors beyond the control of the County, among them the demand for new housing and the availability of financing for residential construction. The national recession casts both of these requirements into doubt during the current housing element planning period which ends in 2014.

#### *Consistency with Other Portions of the General Plan*

State law requires the elements of the General Plan to be consistent. The revised draft Housing Element Update is consistent with the current General Plan and its pending updates in that it does not require any changes to the other portions of the General Plan to implement. The County's RHNA compels the County to accommodate less residential development than what is projected in the current and proposed Eden and Castro Valley Area Plans. The proposed Housing Element does not change or modify density or recommend policies that would be at odds with other policies contained therein.

*Environmental Review*

An Initial Study and Negative Declaration was prepared pursuant to the California Environmental Quality Act (CEQA) and released October 26, 2009. Notification of its availability and intent to adopt it was sent to members of the public who had previously expressed interest in the Housing Element process, to Special Districts and to State Agencies. Notice was also published in the *Daily Review*, posted with the County Recorder's Office and with the State Clearinghouse, mailed to the Castro Valley, San Lorenzo and Hayward libraries, made available on the Planning Department website [y y y @ei qxQt i lef c l r r p p k p i l i g p g t c r r p u l j g w j w](#) , and information in the document was presented at several of the "eqo o w p k { " o g g w p i u 0

The 30-page Initial Study was sent to members of the Planning Commission and this Board previously. A revised document is attached to this staff report. The document provides a programmatic analysis of the general setting, potential impacts, and mitigation strategies employed for residential development projects in the County. No significant impacts are anticipated by the implementation of the Housing Element that are not currently addressed through established planning/engineering review and design, payment of fees, and consultation with responsible agencies.

The comment period for the Negative Declaration ended on November 30, 2009. A letter addressed to staff and members of the Planning Commission was received from Fairview resident, Jewell Spalding on November 2, 2009. Staff has provided a detailed response to Ms. Spalding's concerns and has included the letter and the response as part of the revised draft Initial Study and Negative Declaration. Each of the four letters received within the comment period, and their related responses have been included in the revised draft.

On February 8, 2010 Charles Snipes, President of the Fairview Community Club, Inc., sent a letter to your Board requesting that all properties located in Fairview be removed from the Sites Inventory. In summary, the letter states that the cumulative impact of residential development occurring on the properties identified in the inventory would result in significant environmental impacts that would necessitate the preparation of an Environmental Impact Report. These comments are substantially similar to those prepared by Ms. Spalding on November 2, 2009, and staff provided a detailed response to each of these concerns in the addendum to the draft Initial Study/Negative Declaration produced December 2, 2009. Staff believes the use of the Negative Declaration is appropriate based on the following:

1. The adoption and implementation of the Housing Element would not require changes to present zoning for any parcel or any amendments to the County's General Plan;
2. The existing conditions and policies described in the County's current, adopted General Plan would be maintained;
3. The draft Housing Element is consistent with existing and proposed portions of the County's General Plan; and
4. The Housing Element does not grant any entitlements or building site status to any parcel contained therein. Any project proposed would be subject to local review and would be analyzed with respect to the County's Zoning, Grading, Subdivision and Building Ordinances, and General Plan.

Furthermore, the parcels listed on the draft Sites Inventory were previously identified in the 2003 Housing Element. No new Fairview sites were added to this list. Finally, the zoning and related densities for the parcels are those that were approved by the Board as part of the 1997 Fairview Area Specific Plan, and its companion environmental document.

**CONCLUSION:**

The revised draft Housing Element Update is a culmination of over a year of community and staff efforts to craft a document that meets the State's requirements, reflects the current and projected needs for the unincorporated areas, is consistent with existing Zoning, current and proposed amendments to the County's General Plan, and conveys the County's Strategic Vision adopted by your Board in 2008. In the area of housing, the Strategic Vision states the following goals: 1) increase the supply of housing in the unincorporated area and support similar efforts in other jurisdictions; 2) provide quality housing that is affordable to all income levels; and 3) increase the variety and choices of housing available to County residents. The Housing Element Update (2009-2014) has incorporated these goals into the implementation program for the planning period. Moreover, the vigorous public review process that has been integral to the development of the Housing Element Update has resulted in the preparation of a Sites Inventory that provides an equitable distribution of housing opportunity sites, relies on existing zoning requirements (thus, avoiding a difficult rezoning process), and provides a realistic projection of the County's capacity for residential development.

Very truly yours,

Chris Bazar, Director  
Community Development Agency

**ATTACHMENTS**

(Please refer to [www.acgov.org/cda/planning/generalplans/heu.htm](http://www.acgov.org/cda/planning/generalplans/heu.htm) for the following documents)

A-Revised Draft Alameda County Housing Element Update (2009-2014)

B-Changes Recommended by the Alameda County Planning Commission, January 25, 2010

C-Revised Draft Initial Study and Negative Declaration, December 2, 2009

D-Draft Resolution to Approve the Revised Draft Alameda County Housing Element Update (2009-2014), and Adopt the Revised Draft Initial Study and Negative Declaration