

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430  
P. O. Box 952053  
Sacramento, CA 94252-2053  
(916) 323-3177 / FAX (916) 327-2643  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



July 2, 2010

Ms. Susan S. Muranishi  
County Administrator  
County of Alameda  
1221 Oak Street, Room 555  
Oakland, CA 94612

Dear Ms. Muranishi:

**RE: Review of the County of Alameda's Adopted Housing Element**

Thank you for submitting Alameda County's housing element adopted on March 30, 2010 and received on April 5, 2010. The Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h). Communications with Ms. Elizabeth McElligott, Assistant Planning Director, and Ms. Angela Robinson-Pinon, Planner III, facilitated the review.

The adopted element addresses most of the statutory requirements described in the Department's September 25, 2009 review (see link below). However, the following revisions are still necessary to comply with State housing element law (Article 10.6 of the Government Code):

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing (Section 65583.2).*

**Non-Vacant Sites:** The element was not revised to specifically describe and evaluate the extent to which existing uses may impede additional residential development. The adopted element generally describes non-vacant sites are within redevelopment areas and the availability of Redevelopment funding, but still does not describe or evaluate existing uses sufficient to demonstrate potential for redevelopment in the planning period as described in the prior review. See the prior review and the *Building Blocks'* website at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_zoning.php#nonvancant](http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#nonvancant).

*Small Sites:* The element notes the potential for lot consolidation "...was not considered in the formal analysis...". The element also indicates listing the potential for consolidation is "...a useful development tool..." (page 81). Given most of the identified sites are small with a residential capacity less than 30 units, including a significant number with less than 10 units, the element must demonstrate the adequacy of such small sites to accommodate the regional housing need for lower-income households or analyze the potential for lot consolidation of smaller sites as described in the prior review. While the element now groups sites assumed to have potential for consolidation, it must still include an analysis describing the methodology for establishing groups of sites for consolidation. For example, the element could describe criteria for identifying sites with potential or could evaluate any recent consolidation relative to identified sites, common ownership or other characteristics or incentives facilitating consolidation.

*Residential Capacity for Non-Vacant and Non-Residentially Zoned Sites:* While the adopted element includes some discussion of residential development capacity at 80 percent of maximum capacity, it was not revised to account for the potential development of non-residential uses on mixed-use sites. Projected residential development capacity should not, for example, assume residential-only development of all sites allowing non-residential uses. Please see the prior review.

*Alternative Adequate Sites:* The adopted element now mentions the Ashland Village Apartment Complex was at-risk of conversion to market-rate uses, but does not include any analysis to credit these units toward the County's share of the regional housing need. If utilizing these units toward the regional housing need, the element must address the specific statutory requirements of Government Code Section 65583.1 as described in the prior review. For more information, see the *Building Blocks'* website at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_adeqsites.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_adeqsites.php).

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

*Growth Controls:* The element was revised to discuss potential Measure D mitigation actions (Programs 7 to 11) to encourage development in infill areas not subject to the requirements of the Measure. These mitigation actions include density bonuses and park fee waivers. However, the mitigation actions are limited to housing affordable to lower-income households, the density bonuses do not appear to exceed what is already required by statute (Government Code Section 65915) and the element does not analyze the adequacy of the measures to incentivize development or mitigate

Measure D. While the mitigation actions may assist in offsetting the constraints of Measure D for housing affordable to lower-income households in areas not subject to the Measure, the element still does not evaluate the effect of the Measure on the market and other non-subsidized developments. As described in the prior review, the element must still analyze the effects of Measure D on the cost, supply and affordability of housing. For example, the analysis should address impacts on land values, incentives or other mitigations available to all development, any applicability or impacts on the County's infill growth areas and development costs associated with requiring voter approval. Based on the outcomes of this analysis, the element should include or revise programs, as needed, to address the constraint. For example, the element could commit to additional incentives in infill areas and streamlined permit procedures, such as ministerial approval and tiered environmental review.

3. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding 1, the element does not include a complete site analysis and the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the County may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. Programs to address a shortfall of sites must be consistent with Government Code Sections 65583.2 and 65583(c)(1) and permit owner-occupied and rental multifamily uses by-right sufficient to accommodate the remaining need for lower-income households and, among other requirements: (1) permit a minimum of 16 units per site; (2) require a minimum density of 20 units per acre; and, (3) demonstrate at least 50 percent of the regional housing needs allocation (RHNA) for lower-income households will be accommodated on sites designated for residential use only.

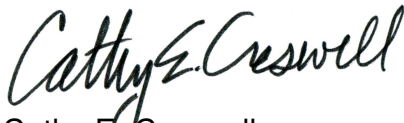
In addition, encouraging lot consolidation is an important component of the County's strategy to accommodate its regional housing need. As a result, the element should include specific actions to promote lot consolidation. This is especially important since the County's Density Variable (DV) program appears limited to the Residential-Suburban zone and most residential capacity to accommodate the housing need for lower-income households is identified in other zones. Specific actions could include: (1) annual outreach and marketing to developers; (2) granting density bonuses above provisions, pursuant to Government Code Section 65915; (3) deferring fees specifically for consolidation; (4) expediting permit processing; (5) identifying and targeting specific financial resources; and, (6) modifying development standards.

4. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in Finding 2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints.

Once the element has been revised to address these requirements, it will comply with State housing element law. The Department is committed to assist Alameda County in meeting the statutory requirements of housing element law. If you have questions or would like further assistance, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

A handwritten signature in black ink that reads "Cathy E. Creswell". The signature is written in a cursive, flowing style.

Cathy E. Creswell  
Deputy Director

September 2009 Review - <http://tinyurl.com/alameda-co0909>