

Note: Staff responses in this document are italicized.

COMMENTS DURING DISCUSSIONS ON HOUSING AND HOMELESS NEEDS

ALAMEDA COUNTY HOUSING ELEMENT FOCUS GROUPS: DISCUSSIONS ON NEEDS

**April 19, 25 and 26, 2001
Housing Advocates**

- Under-representation of service workers coming into the area for work but not living here (see Joint Venture SV)
- How many people commute out?
- How sensitive are #s to forecasts?
- Uncertainty ranges/level of confidence
- Softening of market, moving from the South Bay north
- Softening of price in rental (above \$1500 things languish)
- Some move-in incentives at the normally strong time of year
- Utility costs will rise, taking a larger share of basic shelter costs
- Change in homeownership → sales available, more on the market
- But prices have not yet caught up with the volume in the market
- Livermore most steady; Pleasanton in poor shape
- Healthy market = 3 months inventory; some areas 6 months
- Cities with high ownership rates need renter for service workers
- No one knows how many rentals there are
- Rental: lenders are more conservative
 - a year ago, 5-6% cap rates, now at 7-8%
 - LTVs @ 60%
 - Need more capital because you can finance less
- ECHO seeing quality of housing going down while cost is rising
- Goes hand in hand with the aging of the stock
- ECHO: eviction states on callers
- Dump housing need in the unincorporated areas?
- Graduating high school seniors as potential new tenants
- Larger families with kids coming of age
 - impacts unincorporated areas (Ashland and Cherryland)
- Doubling up (south county)(Ashland/Cherryland)
- Distribute housing need where it makes sense (jobs/housing balance)
 - look at jobs/housing ratio in each area; look at within unincorporated areas to put housing need jobs
- High level of rental costs*
- Not enough product*
- Commute times increase when people look for housing that is affordable

Solutions

- Connect landlords and need to make more efficient

- Processing improvements?
- Countywide financing
- Interregional partnerships
- Mixed use developments – need to see more of it
- State/fed incentives for rehab (like historic tax credits) to deal with older rental stuff
 - 50-60s stuff is in need of rehab
- Look at Brookings on taxation
- Address land use, funding, regulatory together
- Mixed use with incentives
- Overlay zones for affordable (super densities)
- Look at all densities to ensure appropriate for multifamily/affordable – 18-20 or higher
- SRO/efficiency by right (never fit into density)(70-100 du/ac)
- Look at mechanisms like linkage fee and inclusionary zoning → current \$ not enough
- T.O.T.
- Reduce/waive fees for affordable housing; charge when occupied
- Fast tracking = money to developers
- Put teeth into 1990 policies
- Open up affordable development to FOR PROFITS
- Marin County rent stabilization recommendations
- Need partnerships between tenants and landlords
- City of Alameda rent programs as model
- San Leandro
- Berkeley-style is adversarial
- Look at Countywide fee structures
- Look at upgrades at demand side (career enhancements, etc.)

Developers/Financers

Summary

- A. Financing Solutions
 1. More than 20% RDA funds
 2. Land trusts
 3. Fannie Mae, etc.
 4. G.O. Bonds
 5. Changes to MCCs/CHFA
 6. Buy down cost of land
- ❖ Land Use Solutions
 7. Zoning by right
 8. 3 acres at 40 DU
 9. 1 acre at 12 DU (need 5-10 acres)
 10. Density bonus for MOD
 11. Land trusts (see above)
 12. County-owned parcels/Caltrans
 13. TOD developments

14. Old motels/gas stations
15. 2nd units
- B. Land Availability Problems
 1. Insufficient land
- C. Infrastructure Problems
 1. Old/insufficient
 2. Unincorporated problems
- D. Affordability Problems
 1. Housing for service workers

Brainstorming

- Zoning by right – administrative action rather than legislative/discretionary
- More than 20% for RDA
- 3 acres X 40 DU/acre
- 12 units/acre
- Not enough vacant land currently zoned for residential
- Infrastructure problems – not enough to handle, even in unincorporated areas
- Current infrastructure is just enough to serve existing
- Need to create housing for service workers – “working poor” (tax credits don’t reach)
- Some of the issue is just supply and demand
- If there is not enough ABOVE MOD housing, hurts mobility
- Huge mismatch between supply and demand
- Sacramento was saturated in the 80s and 90s – housing costs are still much lower there
- \$2,500 per mile away from Bay Area
- Density bonuses – 20% LI
- Look into density bonus for MOD
- Land trusts
- Parcels owned by Cities/County? Caltrans?
- TOD developments
- Fannie Mae/other secondary markets
- Land inventory is key component
- Old gas stations despite toxics
- Old motels
- On-site storm water mitigation plans will be a problem
 - Every site has to be sustainable
 - On infill, cost prohibitive
- County doesn’t have resources to address VLI/LI need – to do something big, need bonds or other large source
- State changes to MCCs/CHFA a problem
- Secondary units – house people and owners buy up
- Mixed use (in RDA)

The following issues represent the most pressing concerns voiced by the participants:

- ❖ Affordable homeownership
- ❖ Affordable range of housing options
- ❖ Safety concerns addressed in new developments
- ❖ With increased density, more amenities and infrastructure

Brainstorming

- San Lorenzo is about to have an adjustment of its housing needs – need affordable housing
- Inadequate off-street parking – families doubled up
- Lack of zoning enforcement
- Landlords do what they want
- Need uniform policies
- Need Specific Plan for Cherryland before any zoning changes are allowed
- Enforce full parking; variances should require other mitigation
- Cherryland shouldn't become another Amador – no subdivided large lots
- Keep the character of the neighborhoods
- Concerns with affordable housing
 - Evictions growing
 - Waiting lists too long
 - Low-income professionals, like teachers, need affordable housing
 - When housing opens up it's gone right away
 - Paseo Gardens \$750-\$1050
- Absentee/corporate landlords a factor in Ashland, Cherryland and San Lorenzo
 - Overcrowded, less well maintained areas
- People taken advantage of
- Adult children of residents can't afford to live here
- Or, adult children live with parents too long – two families in one house
- Kids without guardians or need daycare when both parents work and commute
- Problem with schools re: attracting teachers and others to schools
- Children being raised by teenagers
- More homeless, more than 6 months ago
 - Some referring agencies are then turning people away
- Need 20 FESCO programs!
- Turnover rates in schools – transience feeds into absentee landlords
- People looking for good changes with redevelopment of San Lorenzo
- Plan for mixed use
- People aware of increased congestion
- People noticing large lots with many people living there
- Like San Francisco, there's fighting over parking spaces
- How can we improve quality of life?
 - Infrastructure, etc.
 - Open space
 - Affordable for younger people (first time homebuyer programs, etc.)
- Turnover with younger people
- Rentals diminish
- Need to look at how to encourage homeownership with whatever funds

- Rental households: improvements in tenant desirability (fewer drugs)
- Rentals cost more
- But rental housing is being sold by owners, no longer rentals
- County's been shortsighted because of east county land
- All developments above a certain # of units should have some percentage of affordable
- Need programs to help at both ends of the spectrum
 - Seniors need help with simple maintenance
 - Need recreation centers
- San Lorenzo: people rent floor space (\$200-\$250 per week)
- Cherryland: higher density ok if designed well for ownership with amenities
 - Mitigation (fire station, community center site)
- Need also multifamily housing
- Lots of overlapping jurisdictions – need continuity (less distinction between areas)

Special Needs

Summary (starred* items are the principal problem area in each category)

- A. Development Process/Processing (the overriding planning issue)
 - 1. Coordination
 - 2. Fast tracking
 - 3. Parking
 - 4. Planning for affordable housing*
- B. Balanced Use of Resources
 - 1. Equitable process
 - 2. \$ etc. from luxury housing to other areas/second units (unincorporated areas)
 - 3. County leadership (includes duplexes in Alameda and Measure A)
 - 4. \$ targeting by income*
- C. Linkages
 - 1. Monitor accessible units and link to users
 - 2. housing rich seniors
 - 3. transitional housing with support
 - 4. continuum of housing*
 - 5. new housing options with support
 - 6. physical design concerns – needs of supporters
 - 7. partnering with local jurisdictions
 - 8. Long-term renters acquisition-rehab
- D. Support: Regulatory and Funding Issues
 - 1. Long term funding
 - 2. Bureaucracy
 - 3. Cost effectiveness model based on nursing homes
- E. Other issues addressed at the end
 - 1. County's internal infrastructure needs to be improved
 - 2. Also: improved coordination between County and cities
 - 3. In rental, finding cooperative landlords is difficult

4. Need to address discrimination based on income (e.g., landlords wanting to verify tenant has 3X rent in income)
5. Landlords have stopped taking Section 8 because of the hassles of the program
6. Need a program to help landlords, identify participants, make the program easier to access
→ Relationship development

Brainstorming Issues

- Not all jurisdictions (except the County) are hip to affordable housing development
- Need system to clarify development process – who is the contact person in each City? What’s the process? What’s the City’s overall policy?
- Dublin has had huge growth but no process for affordable housing
- Need affordable, accessible housing for people with disabilities
- Discrepancies with large agricultural areas turned into high-density housing – big houses with second units?
➤ vs. Cherryland
- need more environmentally sensitive housing
- County needs to make more affordable housing – private landowners won’t do it and other cities are looking at their own bottom line
- 2000-2001 saw increased turnaways by 28.5% (evictions up)
- long-term renters may have problems as landlords die – can the County acquire and rehab these?
- Takes so long to build units → any way to fast track? If affordable?
- How can we monitor accessible units to ensure the disabled get them?
- There is an aging population that is house-rich but income-poor (own their own home but can’t afford to keep it → need shared housing)
- Transitional housing with support needed
- Need to look at a continuum of housing
- New housing situations need support
- Is there a way to improve the parking requirements?
- RDA \$ can go up to \$80,000 – can we prioritize to ensure folks with fewer opportunities have access?
- Need category of assistance for extremely low income (30% MFI)
- County could partner with other jurisdictions to develop housing, especially in the SOI
- People need more than a home – need support or else its not successful

Comments/Questions from Planning Commission Meeting June 18, 2001

| Commissioner | Issue | Status/Comment |
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| LePell | Can we project back five years for housing prices? | <i>At the hearing, staff indicated it did not have that information. While it is possible to acquire it, it is not clear how useful this information would be.</i> |

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| Gault | Do we have stats on overcrowding by ethnic group? | <i>At the hearing, staff said it did not have this information for immigrants. In looking at the data, in fact only <u>total housing problems</u> by race/ethnicity exists, not <u>overcrowding</u> alone, at least as far as the CHAS databook CD is concerned. While it is possible to acquire it, it is not clear how useful this information would be.</i> |
| LePell | Do we have stats on single male heads of households? | <i>It is possible to obtain this, but (1) it is not relevant as far as the State is concerned and (2) obtaining this info may take more time and funding than is budgeted.</i> |
| LePell | Where are the homeless, and where are they from? | <i>According to the minutes, Linda Gardner said she would get more info on this. However, some information is in the HE already (from the C of C Plan).</i> |
| Hamlin | Hard to believe that Hispanic growth is only 4% and Blacks have not increased. | <i>Comments noted</i> |
| LePell | What about the mobilehome rent ordinance? | <i>Although the minutes note that Linda Gardner said she would look into this, this was an error in the minutes.</i> |
| Edwards | The density information is confusing because many cities have large areas that are not buildable, or are parks. | <i>Density is a relative statistic that is meant to help compare cities with each other.</i> |
| Edwards | People choose to pay more than 30% of their income on housing, since "income" should include stock options, etc. | <i>Although it is possible to add that some people choose to spend more than 30%, but it is not a choice at the lower incomes. Staff will include language for the higher incomes.</i> |
| Edwards | Jobs per capita is misleading. | <i>Agreed, and has been fixed to jobs per employed resident.</i> |
| Tam | As future units are approved, staff should include statement about how the development is meeting the County's housing goals. | <i>This could be incorporated into future staff Board reports.</i> |
| Kirby | How will Measure D affect what land there is left to work with? | <i>This has been covered in Nongovernmental constraints.</i> |
| Kirby | Interested in learning more about how units get built and | <i>Comments noted.</i> |

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| | would like to know about market rate projects rather than redevelopment projects. | |
| LePell | Any info on the number of single-person households? | <i>At the hearing, staff indicated it did not have that information. While it is possible to acquire it, it is not clear how useful this information would be.</i> |
| ? | We are attracting people who drive through the County who neither work nor live here – they are commuting to Santa Clara County. The information does not capture those commuting through the County. | <i>While commuters moving through the County may impact conditions within Alameda County, it is not possible to gauge what kind of impacts would occur and by how much, beyond anecdotal information and conjecture. The purpose of providing the information on commuting was to show that there is commutation in and out of the County, and at least some of this is jobs/housing related. The degree to which this is true is not particularly helpful for a Housing Element (though it might be for a Transportation Element).</i> |
| Edwards | People move away to get better product. | <i>While some people do move specifically for better product, the main issue is affordability, i.e. what one can get with the limited resources one has.</i> |
| Edwards | The “lack of land” noted on page 27 of the flip charts is not really a cause of high housing costs – the real culprit is that the State doesn’t pay us for housing, and so it pushes us to go for sales tax base (i.e. commercial) rather than residential. | <i>Both Prop 218 and 13 have had a substantial impact on how cities and counties are able to raise funds for operations. See the discussion in Nongovernmental constraints.</i> |
| Edwards | We need a recommendation to push back through ABAG/Sacramento those Counties that don’t do their fair share. | <i>Comments noted</i> |
| Edwards | The Plan should emphasize homeownership housing – lets you ride the ups and downs of the economy. | <i>Comments noted.</i> |

COMMENTS DURING DISCUSSIONS ON GOALS, POLICIES AND ACTIONS (Prior to the Completion of the Inventory)

Focus Groups on Goals, Policies and Actions August 13 and 14, 2001 County Family

- Need to break down centralized waiting list by type of needs, specifically special needs (type of disability, etc.)
- San Francisco has centralized waiting list for AIDS/HIV (“CHIPS”)
- What other kinds of incentives can the County create to get developers to do 0-30% of MFI housing? Tax breaks? Other incentives?
- Can rules be change to penalize owners who want to opt out of contracts to provide affordable housing, i.e. disincentives”
- Consider actions to prevent TIC conversions to condos
- How can the County handle private developments where people could be kicked out?
- Hayward and other areas have large areas of mobilehome parks that are now being zoned out – need to ensure park preservation
- When do we take a stand that housing is a right? Shelter is not housing, and the County could be a leader on this
- Good to connect housing with new commercial developments – how can we encourage this?
- University housing programs are developing SRO-type housing, which helps the overall supply even if it is not “countable”
- Without deep subsidies, none of this is going to happen
- The Housing Element has no teeth

Housing Advocates

- Consider an “environmentally-safe” action rather than just “lead-safe” since mold and asbestos are two issues that will definitely receive attention in the future.
- Consider adding language concerning “sustainable development” in keeping with the Alliance [Bay Area Alliance for Sustainable Development?] goals.
- Whatever the County proposes, there should be opportunities created for deal making.
- In the action on preservation, add language to clarify the focus is on existing affordable housing.
- NIMBYism will be a problem on selling the action to allow homeless shelters
 - Adds another strike against selling increased densities
 - Much of the problem will be in “selling” these proposals, rather than doing them
- “By right” is good – anything to make deals easier should be implemented
- Re: energy action – add green building practices
- Tax foreclosed properties may have issues that are difficult beyond tax issues (toxics, etc.)

- County should work with Cities to rezone surplus commercial/industrial land for housing/mixed use
- Inclusionary zoning should be done to enhance, not limit deal making
- Check out whether raising height limits idea with developers – ask them would it mean greater density or not (participant mentioned that raising height 50’ in one jurisdiction meant getting another full story)
- Consider “stackable parking”
- Look at existing “adults-only” housing as a potential redevelopment opportunity
- Look at air rights/transfer of development rights

Developers/Financers

- Link inclusionary zoning with expedited processing and reduced fees
 - Figure the total cost of providing BMR units
 - Quantify savings for waivers and time expediting
- Can’t put the total cost of inclusionary on the backs of new housing – fairness market units are in place, yet the surrounding units did not contribute any affordable
- In reduced fees/waivers, include impact fees as part of the fees reduced/waived
- Consider additional action to target specific sites for affordable, collaborating with nonprofits to provide (will help with inclusionary if zoned 20-30 du/ac)
- Consider in-lieu provisions in overlays, i.e. can provide affordable on alternate site
- There has to be an efficiency in building affordable units – Mercy says between 50-80 units per development required to make pencil
- Should be allowances to do by right in ALL zoning classifications
- In rehab, the best \$\$ spent in energy efficiency
- Consider adding action to look at all light industrial/commercial areas as potential housing – how much would that get?
- Developers need predev money for holding costs to close sooner
- Current language on density bonus does not connect inclusionary with the bonus, i.e. bonus does not get triggered without an incentive
- What about the Oakland Coliseum site as a potential for housing? County owned? If Coliseum moves, may be a great site!

Open Forum

- Concerns expressed about other jurisdictions’ attitude that housing is not wanted
- Waiving fees is a good idea, but can you waive them just for VLI/LI?
- Pg 11: these are hard items to implement
- “By right” is good if there are a reasonable set of rules to follow; but Measure A [?] is an example of how things can go wrong
- Why isn’t more mobilehome parks being created? Of all the ways to create affordable housing, this makes the most sense
- NIMBYism will be strong on zoning changes to allow homeless shelters
- Need good description of who the homeless really are – need a study to see if they really are seriously mentally ill, drug addicted, etc. If many are just people down on their luck, that will help arguments for zoning changes.

- Commercial linkage fee needs a booming economy to work – will be resisted by businesses.
- Can the County find areas where overlay zones will work? People move into upscale areas expecting to achieve increased values, and this might scare them off
- How to get developers to do what you want has been pondered by others with no success – whatever you implement, needs to be a sure-fire success
- Housing development (whether to have it or not) should not be left up to a vote of the people
- There needs to be ongoing consistency between various Boards of Supervisors, so that one Board cannot undo what a prior Board has created
- In San Lorenzo, there are commercial areas that need to be redeveloped – may not work if requirements are too restrictive
- Foothills make sense to build on but that doesn't happen because there are groups that really want open space preserved there
- Endangered species' critical habitat designation cause property to be rendered useless for development
- It would be nice to have a reasonable set of zoning regulations, which do not exist now
- There are concerns about high density residential housing around the BART station in Castro Valley because of beliefs that it will become overcrowded and dangerous; the County should find ways to show it will work – need examples from other places
- Need fair and reasonable set of rules people can rely on – right now, rules seem to change in midstream

Comments/Questions from Planning Commission Meeting August 20, 2001

| Commissioner | Issue | Status/Comment |
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| LePell | Excluding ECAP areas from inventory of vacant and underutilized sites is unfair. The draft should be re-written to deal with ECAP because we need equal balance. | <i>Those portions of ECAP areas where services are provided have been included, but those portions outside the service areas cannot be included.</i> |
| Hamlin | ECAP does have a carve-out for affordable housing. | <i>The Measure D language does include a requirement to create an inclusionary zoning program, which would include affordable housing.</i> |
| | I'm amazed at the lack of turnout. We feel constrained by the amount of time we have to review this; it's like sticking magnets on a train moving by. | <i>The Commission's review is only the first step in the process. On 8/20, the Commission was asked to provide conceptual approval of the ideas shown in the draft so that staff could move forward with a more comprehensive report on each of the recommended actions. Also, conceptual approval was required</i> |

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| | | <p><i>so that the draft could receive its first round of reviews from the State.</i></p> <p><i>With respect to the few numbers of residents who attended the Commission meeting, each of the Focus Group participants were specifically encouraged to attend this meeting. Further, the meeting was noticed in accordance with the appropriate regulations. However, a more formal public review process will occur during the months of October and November, during which a general mailing will be undertaken so that the widest possible representation of constituents will be facilitated for the Commission and Board hearings in December.</i></p> |
| Kirby | Where did ABAG's growth figures come from? Didn't they take into account what is happening right now? | <p><i>The Regional Housing Needs Allocation figures were based on growth projections derived from ABAG's analysis of 1990 Census data. Unfortunately, new Census data were not used in these analyses. Although the County notes the inherent unfairness of this – especially since the actual population growth between 1990 and 2000 was substantially lower than ABAG had projected – there is no current mechanism by which the County can appeal its allocation on these grounds.</i></p> |
| Kirby | The reporting requirements [once during the Housing Element cycle] should be made more frequent and sooner. | <p><i>Staff has determined that the significant staff resources and time it will take to compile information from each of the jurisdictions in the County will make it impractical to have an annual review of accomplishments, as has been suggested. Instead, staff will provide a report to the Commission and the Board midway in the Housing Element planning period.</i></p> |
| Kirby | What's our commitment to | <i>Comments noted.</i> |

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| | implement these actions as proposed? We need policy language to demonstrate the commitment. | |
| Kirby | In terms of acquisition/rehab, there is all kinds of complexity in these projects that have to be factored in when determining whether to do them and how much to spend. | <i>Comments noted.</i> |
| Kirby | Intact single-family neighborhoods should not have to have increased densities imposed on them. | <i>The County is looking at a variety of ways to increase the number of units for the adequate sites test, with a focus on those areas where it makes the most practical sense to locate increased densities.</i> |
| Kirby | We need to investigate strategies to produce housing beyond what the State requires. | <i>Many of the actions included in this Housing Element are actions well beyond what the State requires, such as researching the feasibility of inclusionary zoning.</i> |
| Kirby | I see a red flag in terms of looking at on and off-site improvements to determine if they are excessive – we need to be careful about not eliminating requirements that improve the quality of life, etc. | <i>Comments noted.</i> |
| Kirby | We should look at County-owned land in the ECAP areas to see if we can use them for housing. | <i>This will be included in the next iteration of the inventory.</i> |
| Kirby | Looking at tax-foreclosed properties is a good idea. | <i>Comments noted.</i> |
| Kirby | I'd like to see a progress report on VLI/LI – how well are we doing? | <i>Staff will continue to provide reports on implementation, as was noted in the comments to the Planning Commission's meeting of 6-18.</i> |
| Edwards | I have concerns with the many different options for adequate sites. Need to show them in some kind of order, such as the most feasible and least likely to have an impact on the community, down to the least feasible, etc. | <i>Staff will prepare a matrix summarizing the options once work on each potential action has been concluded.</i> |
| Edwards | There's no mention here about schools and education, | <i>Staff recognizes that the Housing Element is but one element of the</i> |

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| | specifically since there is a connection to multifamily housing and schools. | <i>General Plan, and by law they must be internally consistent. However, the specific requirements of Housing Element law require the County to focus on the statutory elements of housing law which unfortunately do not give rise to discussions about education, as well as other relevant areas such as transportation.</i> |
| Edwards | We should be trying to encourage not just nonprofit developers, but for-profit as well. | <i>Comments noted; however, most funding programs are currently targeted to nonprofit housing developers.</i> |
| Kirby | Coupling some of these actions will create a conflict. For example, putting together high density residential in commercial areas will conflict with building by right – the result will be getting the minimum product. On the other hand, linking minimum densities with transit oriented development will help us attain our goals, but we'll have to see how committed we are to doing that. | <i>As the each option is analyzed, it will be reviewed against other options to ensure conflicts between programs are minimized. If any program is directly contrary to another program, staff will inform the Commission and the Board and recommend appropriate action.</i> |
| Kirby | Although language has been stricken to delete referencing specific nonprofit developers, I think we should say developers “such as...” | <i>By singling out some developers or providers at the exclusion of others, it may be construed that the County favors one provider over another. Therefore, specific names of developers and providers will not be included.</i> |
| Kirby | I see a value in commercial linkage fees. | <i>Comments noted.</i> |
| Kirby | There should be no reduction in building standards like height and setback. | <i>Comments noted.</i> |
| Kirby | I see a strong role for modular housing in all of this. | <i>Comments noted.</i> |
| Tam | We need a comprehensive discussion on workforce housing. | <i>It should be noted that much of the very low-income and low-income population is employed and part of the workforce that needs to be housed through this Element.</i> |
| Hamlin | We need to find sizable parcels | <i>The County continues to seek new</i> |

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| | where attractive affordable housing can be built. Look at donated land as well as urban land trusts. | <i>ways to provide sites for affordable housing.</i> |
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Comments/Questions from Board of Supervisors Meeting September 6, 2001

| Supervisor | Issue | Status/Comment |
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| Steele | We need more of a working session to discuss this draft, as it's very complicated. We need more opportunities for public input. | <i>Staff will bring the draft to a meeting of the Unincorporated Services Committee, the Planning and Transportation Committee and the Castro Valley MAC committee for more public review.</i> <i>A more formal public review process will occur during the months of October and November, during which a general mailing will be undertaken so that the widest possible representation of constituents will be facilitated for the Commission and Board hearings in December.</i> |
| Miley | What are the consequences of not meeting the need? | <i>Although the County must have enough sites zoned appropriately to accommodate the need, in terms of the actual construction the County will be measured against its quantified objectives, which are significantly lower than the RHNA need.</i> |
| Miley | We need incentives to meet our goals to be highlighted in the County-initiated section of the goals. | <i>Although the County will make every effort to involve all of the jurisdictions in County-initiated actions, the County has no jurisdiction to mandate participation.</i> |
| Miley | Need to add language about smart growth, and linkages between transit, housing and jobs. | <i>The Housing Element includes language relating to transit-oriented development and appropriate development patterns.</i> |
| Miley | This is a good place to put forth a Countywide bond for affordable housing. | <i>Comments noted.</i> |
| Steele | I want to see something on inclusionary zoning. | <i>Staff will be preparing a report as part of this effort.</i> |
| Miley | Consider adding a landlord-tenant mediation or relations component, encouraging | <i>A new objective will be added to include consideration of a landlord-tenant mediation program.</i> |

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| | landlords to make units available and to not gouge tenants. | |
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Comments/Questions from Board of Supervisors LU/T Meeting October 22, 2001

Miley not supportive of a moratorium on infill development; concerned about the implications. *Comments noted.*

Concerns over the revenue implications of preserving affordable housing. *Preservation projects are handled on case-by-case basis in negotiated deals.*

Need to look at tax-foreclosed properties as a potential source for housing. *This is included as an action.*

Comments/Questions from Board of Supervisors Unincorporated Services Meeting October 24, 2001

Public: OK to look at TOD, makes sense to put land to a higher use. *Comments noted.*

Concerns over linkage fees – don't have much commercial development as it is. *The proposed study of the linkage fee concept will take into consideration the potential impacts that an imposed fee might have on future commercial development.*

Steele: Concerns over how the ABAG numbers are generated, concerns about livability issues. *The State allocates a regional total number of units to ABAG, which then was responsible for allocating it among the 9 counties in the Bay Area. The full regional allocation is, for all intents and purposes, unappealable to the State. Whatever the State allocates to a region, it must be divided among the local jurisdictions in its entirety. Using a variety of formula and analyses, ABAG then allocated units to each jurisdiction in each of the 9 counties. If one jurisdiction appeals their allocation and can satisfactorily justify to ABAG why their number should be reduced, some other jurisdiction(s) will then be increased by the same amount. The total regional allocation can never be reduced. The County did appeal the original decision by providing information to ABAG to justify a substantial reduction in the allocation (which was at one point approximately 11,000, then ultimately reduced to 5,300, which was further adjusted by units in the pipeline to 3,800). However, once the appeals process concluded, no further modifications can be made (other than reductions based on units already in the pipeline).*

Public: Need more mixed income development. *Comments noted.*

A few concerns raised about allowing affordable housing in neighborhoods. *Comments noted.*

Would like to see a list of subsidized housing from each neighborhood. *Comments noted.*

Miley: All that is required is a setaside of land for housing; it does not have to be actually built. *Comments noted.*

Public: Densities of development are increasing, but the current stock is designed for lower densities. Existing services are being squeezed, and much of the housing stock is getting to the end of its life (50-60 years). Need resources to rehab this stock. *This Housing Element contains several actions to address the rehabilitation needs of the County's housing stock.*

Miley: Need to find new resources for housing, such as a countywide housing bond. Should look at efforts to tie housing and transportation. *This Housing Element includes several actions related to resource generation for future housing development.*

Comments/Questions from Board of Supervisors Meeting November 1, 2001

| Supervisor | Issue | Status/Comment |
|-----------------------|---|--|
| Steele | How much teeth do these options really have? I'm concerned that we are building to self-destruct. | <i>Comments noted.</i> |
| Steele | I would like to see a chart or checklist every quarter that tracks where we are with development in relation to these options. | <i>Staff will develop reporting procedures to ensure the Board is provided this information.</i> |
| Lai-Bitker | Why don't developers use the density bonus? | <i>This is a question slated for further research as part of the discussion on increasing utilization of the density bonus. Staff will conduct interviews with developers to discern why they are not requesting density bonuses more often.</i> |
| Haggerty | We need to ensure that affordable housing that gets built is affordable in perpetuity because future generations will need this. | <i>Comments noted. It should be mentioned that all new County-financed or subsidized developments do contain affordability restrictions to maintain the units' affordability for the longest possible time.</i> |
| Dennis Botelho (CVCA) | The County is proposing that homeless shelters be allowed in any residential district, which we oppose. The County should instead require CUPs on all | <i>The language regarding zoning changes to allow homeless shelters is a holdover action item from the previous Element. State law requires that jurisdictions have some zones</i> |

| | | |
|-----------------------|---|---|
| | shelters. | <i>where homeless shelters are permitted, which the County currently does not. The draft has been modified to permit shelters in high-density residential zones, and commercial zones but exclude them in single-family zones.</i> |
| Dennis Botelho (CVCA) | This draft is proposing zoning changes that will have substantial environmental impacts, but the County is giving it a Negative Declaration. | <i>In fact, there are no specific changes to the zoning that will be implemented in the Housing Element itself. Rather, this document sets forth the policy and programmatic direction the County envisions to satisfy the requirements of State law. When the document is approved, the specific action to rezone an area will receive a more intensive environmental review, with the appropriate level of community review and discussion.</i> |
| Doug Shoemaker (NPH) | Zoning by right is a preferred option because it allows affordable development to take place without an unnecessarily drawn out process. It would make it easier to development much needed affordable housing. | <i>Performance standards and building by right is one of the options to be considered as part of the adequate sites inventory.</i> |
| Doug Shoemaker (NPH) | Although he proposals for high density residential in commercial zones and transit-oriented development are good ideas, we are concerned about the 25' height limit in multifamily zones, which is one of the more severe constraints to housing development, specifically affordable, that we've seen. | <i>A new action has been included that addresses this concern by raising the height limit to 40' or more in higher density districts.</i> |
| Doug Shoemaker (NPH) | The parking standards for multifamily housing are too high – you don't need two spaces for each studio apartment. | <i>A new action has been included that addresses this concern through a parking utilization study that will determine how much parking is actually needed in a variety of development types so that appropriate modifications can be made, as warranted.</i> |
| Doug Shoemaker (NPH) | We'd like to get some clarification about Measure D: wasn't inclusionary zoning | <i>Yes. An action is included to address the issue of inclusionary zoning.</i> |

| | | |
|----------------------|---|---|
| | required with the passage of Measure D? | |
| Doug Shoemaker (NPH) | We propose that more funding from the Redevelopment Agency be earmarked for affordable housing. Specifically, we would like to see the setaside increased from 20% to 25% or 30%. | <i>Comments noted.</i> |
| Phil Serna (HBA) | Our studies have shown that inclusionary zoning unreasonably increases the cost of the market rate housing in the development where affordable is required, which unfairly burdens the developer and the market-rate tenants or homeowners. | <i>As part of the study on inclusionary zoning, staff will prepare an analysis of the cost impacts of implementing inclusionary requirements on the market rate units in a development.</i> |
| Phil Serna (HBA) | We propose as an alternate to inclusionary zoning the concept of landbanking. We'll send a copy of our proposal to the staff for further consideration. | <i>Comments noted.</i> |
| Miley | In my view, I would really have to be convinced that inclusionary zoning is not something we should do before I would consider dropping it as a viable option. | <i>Comments noted.</i> |
| Steele | In the real world, people have many cars. The reason there are so many cars in apartment complexes is because people are doubling up to live together. Therefore, whatever options we adopt I would not support any reductions in the parking requirements. | <i>Comments noted.</i> |

Comments/Questions from Planning Commission November 5, 2001

Commission: Some interest in inclusionary. *Comments noted.*

What would specific standards be for overlays? Need to be sure this proposal does not cause more problems. *Overlay zones create an additional layer of zoning over the existing zoning classification in certain areas. For the purposes of increasing affordable and senior housing opportunities, the County analyzed the creation of an overlay district or zone where higher density could be implemented. After reviewing the limited number of jurisdictions which have used overlay zones and how they*

have been used, it was determined that other options already being pursued – such as the transit-oriented development zones – are, in effect, a kind of overlay zone and therefore pursuing overlay zones as a separate program would be duplicative. Therefore, this proposal has been excluded from the final Housing Element draft.

Agree that looking at the density bonus program to increase effectiveness is important.
Comments noted.

Would a minimum density program help towards actually producing units? *Not directly, but minimum densities would ensure that what is built will efficiently use available but scarce land resources. In addition, it would significantly help the County meet its housing inventory requirement.*

Concern that developing performance standards would eliminate any sort of discretion in these development – discretion is important. *Any proposal to modify development standards – such as altering height or setback requirements – would involve substantial research and discussion with a broad range of groups, including the citizens of the County.*

If the County will look at increasing the zoned densities in certain places, we need to look at what's actually built to see what things should be changed to. *This has been included as part of the inventory's methodology.*

Transit-oriented development is a good idea, plus mixed use. *Comments noted.*

Public: What are the consequences of not having a certified Element? *See comment responses elsewhere.*

In some areas, there are deficits of senior housing, such as San Lorenzo Village.
Comments noted.

Sierra Club interested in knowing what status is of Emerald Fund [set aside for County capital improvements]. *Comments noted.*

County should explore shifting more of the housing goals to the cities. *The State allocates a regional total number of units to ABAG, which then was responsible for allocating it among the 9 counties in the Bay Area. The full regional allocation is, for all intents and purposes, unappealable to the State. Whatever the State allocates to a region, it must be divided among the local jurisdictions in its entirety. Using a variety of formula and analyses, ABAG then allocated units to each jurisdiction in each of the 9 counties. If one jurisdiction appeals their allocation and can satisfactorily justify to ABAG why their number should be reduced, some other jurisdiction(s) will then be increased by the same amount. The total regional allocation can never be reduced. The County did appeal the original decision by providing information to ABAG to justify a substantial reduction in the allocation (which was at one point approximately 11,000, then ultimately reduced to 5,300, which was further adjusted by units in the pipeline to*

3,800). However, once the appeals process concluded, no further modifications can be made (other than reductions based on units already in the pipeline).

Commission: Concerns about timing especially given the high-level policy decisions that must be made. *Comments noted.*

Concern also that while the Element might meet statutory requirements, how much will it actually produce housing? *The Quantified Objectives provide specific goals to be achieved during the planning period.*

Comments/Questions from Castro Valley MAC November 5, 2001

Public: Concern this document overrides all other existing plans. *State law requires that all local plans be consistent with the General Plan, including the Housing Element. For all intents and purposes, the Housing Element has precedence over other existing plans.*

Notes from Meeting with George Graves and Dennis Botelho 1/31/02

Re: homeless shelters -- the zoning ordinance already allows shelters as a conditional use in any district. Don't need to change it - should stay as a conditional use. *As noted elsewhere, State law Section 65583 requires that there be zones where shelters -- as well as multifamily, mobilehomes and farmworker housing -- are permitted uses.*

- Don't support allowing in-lieu fees in inclusionary zoning programs, except for small developments of 3-5 units. *Comments noted.*
- Cherryland is already an affordable area. *Comments noted.*
- Where in CA has building as of right been ordered in response to a jurisdiction not having a certified housing element? *State law requires that jurisdictions without provision for adequate sites must allow housing as of right. It is not known where this has been exercised in California.*
- What's the definition of "medium" density? Any single family zone that allows a second unit? What does state law say? *"Medium" density is as a jurisdiction describes it. In this case, "medium" densities, for the purpose of creating an inventory of sites, included densities of 9 to 19 units to the acre and corresponds to housing that is affordable to moderate-income families.*
- Many of proposed policies and programs are too vague and broad. Should have less ambiguity. *The policies and programs have been defined with as much specificity as needed to adopt a certifiable Housing Element. More detail will be fleshed out when each of the action items is implemented.*

- Cherryland already is very dense and has lots of special needs housing -- it should be spread throughout the unincorporated county. *Comments noted.*
- Re: goals -- want a moratorium on development in redevelopment zones until HE is adopted - we are taking land away. All Planning staff should know about and provide comment in staff reports on impact towards Housing Element to PC and BOS of any project. *Comments noted.*
- There is a lack of coordination within the Planning Department. *Comments noted.*
- Oppose reducing parking requirements for second units. *A new action has been included that addresses this concern through a parking utilization study that will determine how much parking is actually needed in a variety of development types so that appropriate modifications can be made, as warranted. No specific proposal for reductions (or increases) to the parking requirements are being proposed at this time.*

Notes from Community Meeting with San Lorenzo Village Homeowners 8/6/02

Those attending:

Pat Pebelier, SLVHA Board member
 Kathie Ready, SLVHA President
 Dennis Botelho, Castro Valley Community Assoc. President
 Patricia Hoke, Redevelopment CAC
 Dorothy Partridge, San Lorenzo
 Peggy Sheridan, San Lorenzo
 Mary Reynolds, San Lorenzo
 Frank Peixoto, San Lorenzo
 Jim Sherman, San Lorenzo
 Shawn Wilson, BOS - District 3, staff
 Linda Gardner, County Housing Director

Issues Raised:

- Concern about maintaining adequate parking standards. *A new action has been included that addresses this concern through a parking utilization study that will determine how much parking is actually needed in a variety of development types so that appropriate modifications can be made, as warranted. No specific proposal for reductions (or increases) to the parking requirements are being proposed at this time.*
- Civic Partners Proposed Project
 - Desire to reduce it to lower than 850 units
 - Phasing and relocation issues
 - Desire to increase square footage for businesses
 - Need for open space and space for kids to play
 - 400 rental units is too many - not in balance with homeowner units.*Comments noted.*

- Does state law require that homeless shelters be a permitted use in at least one zoning category or is a conditional use OK? *As noted elsewhere, State law Section 65583 requires that there be zones where shelters -- as well as multifamily, mobilehomes and farmworker housing -- are permitted uses.*
- Don't "demonize" renters as a group -- some do keep up their apartments, many people can't afford to become homeowners, such as teachers etc. San Lorenzo should welcome new neighbors and should provide some of the needed housing units in the unincorporated County. *Comments noted.*
- Housing is a critical need in the County. *Comments noted.*
- Mixed income housing is desirable. *Comments noted.*
- Senior housing is good use of rental housing. *Comments noted.*
- There are lots of doubled up households in San Lorenzo with adult children still living with parents due to high costs and unavailability of housing. *Comments noted.*
- Balance is important -- not too high densities, people need space. Too many people in too small a space is bad. *This Housing Element proposes a number of actions to address the concerns about increased density. In many cases, existing practices are being codified (such as mixed-use zoning), and the actual underlying zoning is not being modified.*
- Are school sites a possibility for housing? Several are leased out in San Lorenzo. *Typically, school sites are not included because there is always a possibility that a surge in future enrollments will occur.*
- Quality of life for existing residents is important, key is balance between rental and homeowner units. Some rental is OK. *Comments noted.*
- Density is the issue, not whether the units are rental or owner. *Comments noted.*

Comments/Questions from BOS Update Hearing 10/3/02

- BOS: How are we addressing parking concerns in impacted areas? Need to look at occupancy issues and parking impacts. *As noted elsewhere, a new action has been included that addresses this concern through a parking utilization study that will determine how much parking is actually needed in a variety of development types so that appropriate modifications can be made, as warranted. No specific proposal for reductions (or increases) to the parking requirements are being proposed at this time.*

What's the status of the housing bond? *Staff provided an update.*

What's the status of various efforts to penalize cities that do not have a certified Housing Element? *Over the past few years, a number of proposals have been discussed in Sacramento that would further punish jurisdictions for failing to approve a certifiable Element. Although many of these proposals have been defeated or dropped, there is still a great deal of interest at the State level in developing some kind of punitive action against jurisdictions without certified Elements, such as levying daily fines or withholding critical transportation dollars.*

COMMENTS DURING DISCUSSIONS ON THE DRAFT INVENTORY

Comments/Questions from Planning Commission Hearing on the Draft Inventory 7/22/03

Commission: Great job in explaining the issues; what are the consequences of not being certified? *Without a certified Housing Element, the County is at risk of lawsuits from developers whose projects are denied. A court can compel a jurisdiction to approve such developments without benefit of any discretionary review. In addition, the County is ineligible to apply for a variety of State housing-related funds – such as Prop 46's Housing Trust Fund Program – if the Element is not certified.*

Concerns about inclusionary zoning because of perception of “ghettoizing” neighborhoods. *Comments noted.*

More comfort with the inventory proposals. *Comments noted.*

Public: We may need a Housing Element, but does it need to be certified? *Without a certified Housing Element, the County is at risk of lawsuits from developers whose projects are denied. A court can compel a jurisdiction to approve such developments without benefit of any discretionary review. In addition, the County is ineligible to apply for a variety of State housing-related funds – such as Prop 46's Housing Trust Fund Program – if the Element is not certified.*

When will the public see the document again? *The full draft will be reviewed again by the Planning Commission in September, with the Board adoption to take place in October. Other meetings may be added as necessary.*

Several commenters offered possible additional sites for review, which staff noted. *Several of these sites have been added to the inventory, increasing the unit capacity by approximately 240 units.*

Concerns expressed that commercial developments will be pushed out if they are rezoned to include residential uses. *The proposed changes will not affect the current uses on sites, unless an owner wants to take advantage of the new zoning.*

Commission: Can think of small mixed use developments that didn't work; hope this proposal will address these problems to create viable commercial development. *Comments noted.*

Public: it's trendy to talk about transit-oriented development, but a few buses do not a transit corridor make. *Comments noted.*

Can't afford to lose local commercial properties; need lots of independent small businesses and must protect them. *Comments noted.*

Focus on the inventory leaves planning fractured. *Comments noted.*

Concerns over boundaries between zones where older neighborhoods might get squeezed in by new, incompatible development. *Comments noted.*

Commission: Businesses NEED residential development to make them viable. *Comments noted. San Lorenzo Plan studies that issue specifically.*

Density proposals are needed to get the Element certified, need to handle before the next cycle starts. *Comments noted.*

Generally pleased with the results of staff's efforts, relatively conservative approach. *Comments noted.*

Comments/Questions from BOS Unincorporated Services Committee 7-23-03

Public: AB 1866 (related to second units) must be included in the inventory of sites. *This law requires two things: the first requires that if a jurisdiction has a second unit ordinance, it must allow them ministerially (that is, without a conditional use permit). The County's SU combining district complies with this requirement.*

The second aspect of the law is that "realistic capacity" for second units can and should be included in the inventory of available sites, based on development trends of second units in the previous planning period. However, two factors mitigate this requirement in Alameda County: first, very few second units have been applied for and approved in the County in recent years, making it difficult to justify a "development trend" on which to base a "reasonable capacity." In addition, whether a homeowner decides to include a second unit in their home is largely discretionary, the State advised the County that it was not appropriate to include second units in the County's inventory analysis.

Concern that the inventory focuses on selected sites, rather than a comprehensive review of development. *Housing Element Planning Law is the only Element of the General Plan that requires this level of specificity. The way the law is structured, a local jurisdiction is required to conduct a site-by-site review of development possibilities. However, the County has taken a broad-brush approach at*

development in the County to provide, to the extent possible, a comprehensive view of the ways in which the inventory can be implemented.

Why is the County resisting regional planning? The County is involved with a wide variety of regional planning activities. However, the Housing Element requirements are quite specific and must be conducted according to State Law.

Committee: Does this include County surplus land? The vast majority of County-owned land is in the East County, and therefore not included in the inventory.

Public: Is the County proposing even higher densities than are existing? No. Most areas are already zoned that way, such as East 14th. This inventory adds a programmatic component as well as a “floor” so development is created efficiently. Very little of the land in the inventory is actually being rezoned to higher densities.

COMMENTS DURING DISCUSSIONS ON THE FINAL DRAFT HOUSING ELEMENT

Comments/Questions from Planning Commission Hearing on the Final Draft Housing Element 9/15/03

Commission: understand the connection between density and income in terms of needing to fulfill the requirements, does that mean that a housing development of high density could actually be built that is luxury housing, rather than affordable, and still meet the State’s law? Yes. As long as projects actually developed reach the targeted density, the actual income of the units can be at any level. What is needed to make housing affordable are additional resources – either in terms of subsidies or mechanisms that cut the cost of development.

Appreciate staff’s efforts to look at better utilization of the density bonus provisions. An action has been included that calls for the review of the County Density Bonus ordinance and consideration of amendments to offer modified development standards in exchange for deeper affordability and/or an increase in the number of affordable units.

Important to remember that “very low income” and “low income” include people who work, pay taxes and raise families. These are teachers and service workers. A very low income family of four persons earns up to \$40,050, while a low income family of four earns up to \$64,100.

Public: Homeless shelters do not have to be permitted uses – they can be conditional uses and the County should not change that. As shown elsewhere, State law requires that there be zones in which homeless shelters – as well as multifamily housing, housing for people with disabilities, and farmworker housing – be permitted uses without requiring conditional use permits.

The County has talked about relaxing development standards for a long time but we've never seen these proposals as they've promised. *In fact, no specific development standards have been modified as part of the Housing Element. Instead, the proposed action states that the County will conduct a study to determine whether it is feasible and to what extent development standards might be modified. At such time as this study is undertaken, the community will have broad opportunity to provide input on the proposals at hand.*

There has not been enough opportunity to comment on the Housing Element. *While the final draft has been available since early September, various portions of the Element have been discussed extensively over the past three years. Most recently, several public meetings were held to discuss the draft inventory, which has been the focal point of the Housing Element exercise.*

Commission: Is there a way to move the Board adoption date from October 2nd to later in the month? *It will be difficult to change the date of adoption without jeopardizing the County's ability to receive about \$2 million in State Housing Trust Fund monies. Recent conversations with the State have indicated that the County must have adopted and submitted the Housing Element before mid-October in order to be eligible to receive funds for the Kent Avenue Senior Apartment project, which will include 80 units of low and very low-income housing. Staff will be proposing alternative opportunities to address community concerns before the October 2nd meeting date.*

Public: Concern that by allowing homeless shelters to be a permitted use, there will be no controls or restrictions on them. *Homeless shelters that are proposed as permitted uses will continue to require extensive public review in order to ensure their design and operation are compatible with the surrounding community. A project can still be denied based on several factors. However, a project cannot be denied simply because the use proposed is a homeless shelter.*

The County should be holding meetings like this in the evening, not in the afternoon. *Comments noted. To address this concern, an additional meeting has been added into the schedule before the Unincorporated Services Committee on September 24.*

The draft was only available a week ago, and there's not enough time to review it. There should have been some indication in the draft to show what's changed from the last version. *Comments noted. Staff has prepared a document that summarizes in more detail these changes, as well as a longer document that provides examples of the changes themselves.*

Concerned that CDA continues to refer to this as an implementation plan, rather than a sweeping policy document that deserves greater and more extensive review. *Comments noted. Each action item in the Goals, Policies and Objectives will require additional review and discussion, during which time the public will have ample opportunity to comment.*

By keying income to higher densities, there is an inherent problem in that it will not create sustainable commercial development. *The County takes the view that, in order to make commercial areas truly viable, a solid residential core must be established.*

This policy inappropriately poses too high of a density in San Lorenzo – this area should stay commercial. *Comments noted.*

One in one hundred people in Castro Valley will really understand this document. *Comments noted.*

Why aren't dilapidated houses included in the inventory? Why not let Castro Valley residents help with the inventory? *A number of factors were taken into consideration in the development of the inventory. Overall, the State requires local jurisdictions to include only those sites that could conceivably be redeveloped within the planning period (originally through 2006, and now extended to 2007). Many of the "dilapidated" housing is located in established neighborhoods where it is unlikely that a developer (or single owner) would choose to redevelop his/her property during this time period.*

At the corner of Heyer and Center [Castro Valley], it doesn't seem possible that 19 units will go in there. This is a heavily congested area, so why wasn't this impact considered in the environmental review? *First, the proposed zoning changes do not call for any units to be built on this site. The purpose of the inventory is to identify enough land to meet the need at various zoning densities. The plan is not a commitment to build any units, nor does it mean that any units will ultimately be built there. The Element merely identifies the sites that have the capacity for development, should it ever occur. In addition, there are no specific changes to the zoning that will be implemented in the Housing Element itself. Rather, when the document is approved, the specific action to rezone an area will receive a more intensive environmental review, with the appropriate level of community review and discussion.*

Commission: Concern over allowing homeless shelters as a permitted use in industrial zones because of safety and other issues. *Staff proposes to remove industrially-zoned areas from the list of possible zones in which homeless shelters are a permitted use.*

Need a later discussion of the other Elements of the General Plan, such as Circulation Element. *Comments noted.*

COMMUNITY INPUT MEETING 9-24-03

Staff Responses are in italics

On Wednesday, September 24, 2003, CDA staff, plus representatives of Supervisors Lai-Bitker and Miley, met with members of the Ashland, Castro Valley, and San Lorenzo communities to address several outstanding issues prior to the October 2 Board hearing. At this meeting, a variety of issues were discussed, and several changes to

the draft document were proposed, primarily with respect to the Goals, Policies and Actions of the Housing Element.

Concern: many of the implementation programs were vague and left considerable room for variation from the stated intent. There needs to be more involvement from the community on development standards proposals. *The proposed Ordinance Review Advisory Committee would be a formal committee, appointed by Boardmembers who represent the affected communities. Working with Planning Department staff, the Committee will assist with developing draft language for the various ordinance amendments needed to implement the Housing Element. The following action was included in the Goals, Policies and Actions section of the Housing Element to establish the creation of this committee:*

- 1.1.18 *Establish a community-based Ordinance Review Advisory Committee, whose purpose would be to assist the County in developing proposed changes to zoning regulations, site review requirements, and similar requirements as noted in the Housing Element implementing actions listed below. (Board of Supervisors, County Planning Department) (N) (2004)*

Discussion centered on locating institutional uses where they may not be appropriate. Small facilities or group homes with 6 or fewer residents cannot be regulated as to their use according to State law, yet the County can set broad policy about the location of larger facilities. Instead of limiting the potential siting of these facilities to just the urban county, the proposed revision would allow for a broader look at where they may be appropriate anywhere in the County. *The draft has been modified to include the following proposed language:*

- 1.4.1 *Locate new or converted housing for ~~the elderly people, the physically disabled people, and mentally disabled people, and others with special needs and former inmates of correctional institutions~~ within appropriate urban areas in order to accommodate these groups' particular needs for services and employment and, where appropriate, within existing residential areas. (City/County Planning and Housing and Community Development Departments, Housing Authorities, Private Sector) (M)*

The discussion participants felt that revising this item to continue to refer to the potential impacts of these conversions in certain areas was important to ensure the appropriateness of their location. *The item as proposed now contains the exact wording as was found in the 1990 Housing Element.*

- 1.4.1 *Permit the conversion of single-family residences into group quarters facilities for special population groups, except where negative impactation in an area would result. (City/County Planning Departments) (E)*

Concerns were raised that low-density, single family areas should not be singled out for the intensification of development. *The newly revised actions reads:*

- 2.2 *Smaller residential lots and higher overall residential densities should be permitted in selected areas that are ~~planned for low density, single family and appropriate~~ and that could accommodate more intensive development *without sacrificing quality of life for residents* (see also 2.1, above). (M)*

The County should only include the use of tested materials and products to ensure the safety of the County's residents. *The proposed action reads:*

- 1.1.10 ~~Legislation to permit use of tested~~ *Encourage tested innovative techniques and materials to reduce the cost of housing construction—should be encouraged.*
(~~State Legislature~~, County Board of Supervisors, County Planning Department, County Public Works Department) (M) (Ongoing)

The term “excessive” is not defined in reviewing on- and off-site improvements -- the community needs broad opportunity to review and comment on any action to address “excessive” requirements. The new language for this action reads as follows:

- 1.1.18 *Using the Ordinance Review Advisory Committee, review requirements for on- and off-site improvements for new developments, define what “excessive” requirements are, identify “excessive” potential requirements, and make every effort to reduce these “excessive” requirements, if any.* (County Planning Department, County Public Works Agency) (N) (2006)

Several actions refer to development standards that might be modified, including the one on density bonuses. How will the community weigh in on these issues? *Language has been broadened to discuss incentives – however defined – rather than modified development standards so as not to be perceived as committing to reduced development standards without additional discussion. The proposed action reads:*

- 1.1.21 *Using the Ordinance Review Advisory Committee, review County Density Bonus ordinance and consider amendments to offer incentives in exchange for deeper affordability and/or an increase in the number of affordable units.* (County Planning Department, County Housing and Community Development Department, County Planning Commission, Board of Supervisors) (N) (2005)

The County should limit the areas where the height limit is to be increased providing greater specificity in what is being proposed. *Includes a new action to address height limits in other districts. The revised action is as follows:*

- 1.1.22 *Increase the height limit to a maximum of 40 feet in transit-oriented mixed-use development districts and high-density residential districts to ensure that multifamily housing can be effectively built. Allow exceptions to this maximum through the use of Conditional Use Permits.* (County Planning Department (N) (2004)

In addition, a new action is proposed:

- 1.1.24 *Using the Ordinance Review Advisory Committee, analyze the 25 foot height requirement in medium density residential zones and other zones, and consider modifications to these requirements, as appropriate.* (County Planning Department (N) (2004)

Participants raised concerns that the community may not have the opportunity to effectively comment on any proposed changes to the parking

requirements. *The action has been modified to include the Ordinance Review Advisory Committee:*

- 1.1.25 *Using the Ordinance Review Advisory Committee, analyze the impact of the County's parking requirements on the development of housing and modify the requirements if needed, especially as they relate to the provision of affordable and senior housing. (County Planning Department (N) (2005).*

Comments included the ongoing belief that Housing Element Law does not require that shelters be permitted uses (rather than subject to CUPs). *Despite this unresolved issue, the discussion did produce a change to the draft Housing Element which clarifies the specific residential zones proposed, as well as deletes commercially-zoned areas (however, they continue to be allowed through a CUP).*

- 1.3.1 *Revise the Zoning Ordinance to permit emergency ~~and transitional~~ homeless shelters as a permitted use in areas zoned for medium to high-density residential use (R-3 and R-4 districts). ~~and in commercially-zoned areas.~~ (County Planning Department, Planning Commission, Board of Supervisors) (M) (2003)*

The discussion focused on the impacts the site review and planned development review processes have on minimizing environmental impacts. *As the issue of minimizing impacts is addressed in other actions throughout the Goals, Policies and Actions, this item was viewed as unnecessary and is recommended for deletion.*

Participants discussed the issue of whether or not anything actually might be “revised” with respect to mixed use development since no specific mixed-use development regulations exist. *Accordingly, this action is amended to allow for the creation of zoning districts and regulations for mixed-use development.*

- 2.2.3 *Using the Ordinance Review Advisory Committee, review and, as appropriate, revise or create zoning districts and regulations, and site development and planned development district standards and guidelines to support appropriate mixed-use residential/commercial development. (County Planning Department) (N) (2004)*

Participants expressed concern that housing should not necessarily take priority over commercial development in some areas, because of the need to create a viable commercial base. Comments ranged from excluding residential development in any commercial area, to allowing mixed use developments but not to the exclusion of commercial development. *In the inventory, permitting high-density residential development in commercial zones was proposed. However, in the final inventory, any sites that could have been counted in these areas could also be counted under other program options (primarily the transit-oriented mixed use development option) and thus high density residential in commercial did not generate any net units for the inventory. As a consequence, 2.2.5 is proposed to be deleted.*

To address concerns that language in the chapter involving review of the previous Housing Element seems to suggest that the County supports reducing housing standards (regarding the enforcement of the zoning ordinance, page 92), the following language is modified (old language in strikethrough, new language in italics):

~~Raising the standards in the Zoning Code would improve housing and neighborhood quality to the detriment of housing affordability. A balance between these goals needs to be achieved.~~

The County has been effective in enforcing the zoning ordinance. As part of the Housing Element review, the County continues to seek ways to enforce the existing requirements without exacerbating the cost of developing affordable housing to the extent practicable. Affordable housing is sometimes impacted by zoning requirements in terms of the overall cost to develop. The Goals, Policies and Actions in this Housing Element are intended to facilitate the development of affordable housing while balancing the overarching needs of the community – including livability and compatibility – that the ordinance was established to address.

Comments/Questions from Unincorporated Services Committee Meeting on the Final Draft Housing Element 9/24/03

Public: The need to provide for affordable housing should not jeopardize commercial. There are too many policies that supplant commercial parcels. *The proposed changes will not affect the current uses on sites, unless an owner wants to take advantage of the new zoning.*

The problem with affordable housing is an economic system in which people are not paid well. The solutions therefore should not include relaxing standards of zoning to achieve affordable housing. *Comments noted.*

Most of the higher density housing that is being proposed is in commercial areas, where it should not be located. *Comments noted. There is no specific housing being proposed as part of this Housing Element; rather, the County is required to ensure there is enough land zoned at appropriate densities to ensure that housing, if it is ever proposed, can be built. The Housing Element's inventory of sites is not a guarantee that housing will, in fact, be built.*

One could argue that the ABAG need numbers do not need to be accommodated. *State law is quite clear on a jurisdiction's obligation to ensure that there be enough sites for the regional housing need it is allocated.*

The County has been unsuccessful in reducing its ABAG need numbers. *In fact, the County was quite successful in getting its allocation reduced. Initially, the allocation was 11,000 units; because of input by the County, this figure was reduced to 5,310. Because of units already in the pipeline, the actual net need figure is about 3,800 units.*

Comments/Questions from Board of Supervisors on the Final Draft Housing Element 10/2/03

Public: Although staff continues to assert that we don't have to build the units in the inventory, I'm sure the Housing Department will build as many as it can. *In general, the County does not have a direct role in the development of housing, with the exception of affordable housing. Although the Housing Element identifies potential sites for a total of 5,104 units at all income levels, the Quantified Objectives – which specifically document the actual production estimated during the planning period – only shows a projected development of 1,645 units, of which 727 are expected to be affordable. Of this number, less than 250 are expected to be affordable to very low-, low- and moderate income families. The number of units that can be achieved in the affordable range are tied to the amount of resources that can be made available, since virtually no affordable housing is constructed without public subsidies.*

Many of us have a concern about the overconcentration of lower-income housing in our neighborhoods, such as Ashland and Cherryland. *Comments noted.*

Have a concern that future commercial development will be prevented because of the focus on housing. *The proposed changes will not affect the current uses on sites, unless an owner wants to take advantage of the new zoning.*

Concerns over how the policies in the Element evolved, since for more than 18 months we were told that the discussion on policies was dependent on the completion of the inventory. *While it is true that the inventory took a very long time to complete because of the extensive work that was involved in ensuring that every potential site was scrutinized, in fact the proposed policies – including those addressing the ten options that the County looked at as potential vehicles to increase the inventory – were brought before the community on several occasions, including during the time period when the inventory was underway. Several focus groups – to which a broad array of community representatives were invited – discussed the proposed Goals, Policies and Actions, and offered significant input on these issues. In addition, both the Board and Planning Commission heard extensive presentations on each of the ten policy actions in late 2002 and early 2003.*

Future General Plan revisions should involve more public workshops. *Comments noted.*

Although the County has worked hard to develop this Element, the real job is still in front of the County – that of ensuring that housing gets built. *Comments noted.*

The County has done a better job than other jurisdictions in really looking at how to achieve the inventory in policy terms. Urge the Board to make sure that staff has the support it needs to implement these actions. *Comments noted.*

Board: Is anybody taking into account the mass exodus of people from California? Vacancy rates are climbing, and there doesn't seem to be any reality to the fair

share numbers. We need to be aggressive in getting the State and ABAG to revise their allocation formula. *As noted before, using a variety of formula and analyses, ABAG allocates units to each jurisdiction in each of the 9 counties. If one jurisdiction appeals their allocation and can satisfactorily justify to ABAG why their number should be reduced, some other jurisdiction(s) will then be increased by the same amount. The total regional allocation can never be reduced. The County continues to work with the State and ABAG to develop more appropriate formula for the allocation of needs to local jurisdictions. Within the next three years, ABAG is slated to begin the process again of allocating units for the next iteration of the Housing Element, during which time the County will have an opportunity to bring these issues before ABAG.*

The State needs to recognize the reality and impacts of “ballot-box planning.” This has a profound impact on communities. *Comments noted. Staff will continue to provide input to the State on this issue.*

We need to maintain the economic vitality of our community, even as we work to provide housing. *Comments noted.*