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November 19, 2001

James Sorenson
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Hayward, CA 94544

Fax Transmittal: (510) 785-8793, hard copy to follow.

Re: Draft Housing Element

Honorable Members of the Board of Supervisors and Commissioners:

The East Bay Housing Organizations and the Non-Profit Housing Association of Northern California (NPH) are membership associations of primarily nonprofit organizations sponsoring, developing, owning or managing housing for low-income people. Greenbelt Alliance is a regional land conservation and urban planning advocacy organization. We would like to offer our joint perspective on the draft General Plan housing element of Alameda County. We have also written to the State Department of Housing and Community Development with our comments.

There are certainly many things to commend in the document, and we commend the County for its excellent outreach efforts and strong working relationships with non-profit housing and service providers who work to address Alameda County's need for new and rehabilitated affordable housing. However, clearly much more change is needed before the draft housing element can begin to effectively address the severe housing crisis in Alameda County.

As we all know, the County's housing problems are severe, particularly for lower-income renters. As the draft Housing Element acknowledges, the most difficult constraint facing the County is the "significant gap between the land available for development at densities that might support housing for very low- and low-income households and the ABAG needs for housing at these income levels." In fact, the draft notes that current zoning provides enough land to meet only 7.2% of the housing needs of very-low and low-income income households in the County.



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This shortcoming is all the more important given the County's disappointing performance relative to its fair share housing needs from 1990-2001. **Only 19% of the housing needed for very low and low income households in the County from 1990-1995 was in fact built by 2001. In contrast 294% of the need for above moderate housing was met in that same time period.**¹ These facts argue persuasively for an increased County effort to focus resources – both land and capital – and implement policies and programs specifically for the production of housing for lower income households.

We commend the preliminary list of actions that the Planning Commission and Board of Supervisors has approved in conceptual form to address the adequate sites problem. We believe that a strong commitment to all of these actions is needed to address the affordable housing problems in Alameda County. We have some specific recommendations that we believe would improve the draft Housing Element which in many cases are solutions you are currently considering. Towards that end, we have attached the following list of recommendations for the revision of the draft Housing Element:

1. **Identify Appropriate Sites for compact, affordable multifamily housing**

a) The draft notes that the County currently lacks enough land zoned for multi-family housing to meet its ABAG housing needs allocation. Although the draft lacks an inventory of sites, the County clearly needs to **re-zone some combination of land currently zoned for commercial or low-density single family residential**. We believe that there are some obvious areas of the county to consider. First, we would recommend that the County selectively rezone to higher density multi-family those sites that are close to transit, ideally within 1/2 mile of BART or 1/3 mile from a bus stop. In addition, we view major commercial corridors as likely locations for rezoning to higher density, mixed-use residential. Likely locations would include various areas along Mission Boulevard in Ashland and Cherryland, Redwood Boulevard in Castro Valley, and Hesperian Boulevard in San Lorenzo.

b) Based on the experience of affordable housing development within the County, we would strongly encourage sites appropriate for multifamily housing to be zoned **to densities of at least 35 units/acre, with height limits of 50 feet, and greatly reduced parking requirements** (more on this issue below). It is extremely important that this zoning be "by-right" in order to avoid intense NIMBY campaigns, such as occurred with the Strobridge development in Castro Valley.

¹ Although the Draft Housing Element does not include such an analysis, according to January 1989 Housing Needs Determinations of the Association of Bay Area Governments, Alameda County had a projected housing need of 2,890 units from 1990-95, of which 1,156 were for very low and low income households and 1,127 were for above moderate income households. The Alameda County 2001 draft Housing Element reports that 218 units affordable to very low and low income households were built, while 3311 above moderate rate units were built. The draft housing element supplied on the County's web site did not have continuous pagination. All references to page numbers are therefore specific to the section noted. Evaluation of the Previous Housing Element, p.21.

c) **Consider Affordable Housing Overlay Zones.** In order to insure that a significant number of sites are developed as affordable housing, the County may also want to confer special "affordability" incentives on some of the sites zoned for multi-family. We have attached a brief description of "Affordable Housing Overlay Zones," which we would recommend be put in place on all the land that the County views as surplus. It is our understanding that the County has publicly committed to making 25% of the housing at the Dublin BART station affordable to lower income households. We applaud that commitment and urge the County to adopt this as a standard for disposition of all publicly owned land.

2. **Current Height Limits and Parking Standards are Significant Barriers to Housing Affordability and Smart Growth**

In "Governmental Constraints," the document suggests that the county's 25 foot height limit on multi-family housing represents a "possible constraint." It is more than a possibility. This height limit is one of the most dramatic constraints to affordable housing development in all of the Bay Area. Likewise, the draft mistakenly asserts that County's 2-space per unit residential parking requirements are not a barrier to multi-family housing. These parking standards have a decidedly negative impact on housing affordability as well as on the ability to achieve designated densities. The actual cost of developing structured parking is between \$20,000 and \$35,000 (vs. the figure of \$6,200 to \$9,080 for covered parking in the Draft on page 55). Research and information on this topic can be found at www.nonprofithousing.org.

We would recommend establishing an as-of-right parking reduction for both affordable housing and senior housing. Too often, parking standards fail to take into account the real vehicle ownership rates and use patterns of the development's prospective residents, resulting in excessive onsite parking. Excessive requirements can also have a significant impact on building design and perceived density, making a relatively low-density development appear to be much higher density. A tool enabling planners to assess the appropriate reduction is also available on the web site www.nonprofithousing.org.

3. **Adopt a County-Wide Inclusionary Zoning Ordinance**

The element proposes to develop an Inclusionary Zoning Ordinance.² When Alameda County voters adopted Measure D in November 2001, they instructed the County to create an inclusionary zoning ordinance for residential developments within the Urban Limit Line. We endorse the County's proposal to adopt an inclusionary zoning ordinance that would cover all land in the County's jurisdiction. Such an ordinance is absolutely essential to make sure that saving open space and agricultural land does not come at the expense of lower income residents of the County.

² Draft Housing Element, Unincorporated Area Policies 1.1.14

4. **Establish a Higher Goal for Affordable Housing Production**

We note with dismay that the County has set a new construction objective of only 146 units of housing serving very low income households, and 266 units for low income households. Since a lack of financial resources is specifically listed as one of the reasons for the low number of units to be developed, we want to encourage the County to adopt a Commercial Linkage Fee for affordable housing as proposed in program 1.1.15. In addition, we urge Alameda County to identify or develop additional local resources and policies in order to better meet critical housing needs.

5. **Increase Redevelopment Funding for very-low and low-income housing to 30%**

California law requires that at least 20 percent of all property tax increments in a redevelopment area be set aside in a special fund to subsidize the construction and rehabilitation of low and moderate-income housing, but many communities have increased this percentage to much higher rates to address the serious affordable housing shortfall in their jurisdiction. Given the historic lack of affordable housing development in Alameda County, we believe increased funding is appropriate.

6. **Retain the previous requirement for annual staff reports and public hearings on progress towards the goals of the Housing Element.**

The element proposes to eliminate annual staff reporting on progress towards the goals of the Housing Element. Since HCD requires an annual report on housing element implementation, we would ask the County to continue to provide an annual staff report and a public hearing on progress towards the goals of the Housing Element.

7. **Create a Noticing Requirement and Right of First Refusal for Affordable Housing Developments at risk of conversion to market-rate.**

The draft notes some efforts to address the potential conversion of affordable housing to market rate. We respectfully urge the County to consider requiring owners who want to opt-out or prepay to provide notice to the County. Federal and state law requires that notice be provided to tenants of an owner's desire to opt-out or prepay. Federal law requires that notice be provided from 5-9 months for prepayments and 12 months for opt-outs. State law requires 9 months notice. Some cities have passed their own notice requirements which have extended this time period even further and also require a public hearing about the impact on the tenants.

The County should also consider requiring a Right of First Refusal from owners who sell assisted projects. A Right of First Refusal provides an opportunity for the local jurisdiction or a qualified entity (typically a nonprofit organization) to purchase the assisted property. The City of San Francisco requires a six-month period after giving notice in which owners must negotiate with the City or a qualified entity for a "fair return" price.

In closing, EBHO, NPH, and Greenbelt Alliance very much appreciate the opportunity to review and comment on this Draft Housing Element. We recognize the efforts that Alameda County is making to be part of the solution to our current housing crisis. We would be very willing to discuss any of these concerns in more detail with County staff, the Board of Supervisors, the Planning Commission. In addition, we would be happy to work with you in helping to carry out any of these programs. Please feel free to

contact either NPH at 415-989-8160 or Doug@nonprofithousing.org, or Greenbelt Alliance 415-398-3730 or Istone@greenbelt.org. Thank you for commitment to affordable housing.

Sincerely,



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Executive Director
Greenbelt Alliance



Sean Heron
Executive Director
East Bay Housing Organizations



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Non-Profit Housing Association of Northern California