Governmental Constraints

The purpose of this chapter is to fulfill the State mandate "to re-examine local ordinances and policies to determine whether, under current conditions, they are accomplishing their intended purpose or, in practice, constitute a barrier to the maintenance, improvement or development of housing for all income levels." The State guidelines further note that: "This examination may reveal that in practice the ordinance/policy may require excessive performance standards and/or restrictions, and therefore operates as a governmental constraint. The analysis may also show that certain policies have a disproportionate or negative impact on the development of particular housing types (e.g., multi-family) or on housing developed for low- or moderate-income households."

LAND USE CONTROLS AND MITIGATIONS

Residential District Zoning

The five residential districts are the R-1 (Single Family Residence), R-2 (Two Family Residence), R-3 (Four Family Residence), R-4 (Multiple Residence), and R-S (Suburban Residence) Districts. The basic use allowed in each of these districts is residential; the basic difference is the allowed density.

The R-1 District provides for single-family residential neighborhoods. It is a very widely used district and includes much of the suburbanized part of the County. It allows single-family detached homes on separate lots with a minimum 5,000 square feet lot size/building site area (MBSA) requirement. A lot may be larger than this, but only one residence may be constructed on a lot regardless of the size. A property owner having a larger lot may, under the Subdivision Ordinance, divide the property to create additional lots, each of which must be at least 5,000 square feet in area. Through use of the B Combining District (described below) larger minimum lot sizes may be required such as 10,000 square feet or five acres.

The R-2 District provides for duplexes. It has limited application; a few neighborhoods are zoned R-2, but it is often used to legalize existing nonconforming duplexes or to address specific circumstances. It also has a 5,000 square foot minimum lot size requirement. Two dwelling units are allowed on each lot; this may be one two-unit or two one-unit structures. On a lot of 7,500 square feet or larger, three dwelling units are allowed as a Conditional Use; these may be a three-unit structure, one two- and one one-unit structure, or three one-unit structures.

The R-3 District provides for a total of four dwelling units on a lot, but there may be no more than one unit for each 2,000 square feet of lot area with a minimum lot size of 5,000 square feet; i.e. up to two units are allowed on a 5,000 square foot lot, three on a 6,000 square foot lot, and four on a 8,000 square foot or larger lot. As with the R-2 District these may be in any combination of one-, two-, three- and four-unit structures. This District is seldom used; generally this type of development is done in the R-S District described below.

The R-4 District provides for larger multiple residential structures. It requires a 6,000 square foot minimum building site area, and allows one unit for each 1,250 square feet. The R-4 District has other requirements and exceptions for lot coverage and density. Like the R-3 District this District is seldom used.

The R-S District is the most commonly used district for multi-unit development. It has a basic density requirement of one unit for each 5,000 square feet of lot area, and has a minimum lot size requirement of 5,000 square feet. However, unlike the R-1, R-2, and R-3 Districts, each unit (or group of units) does not have to be on a separate lot. Thus, while a 40,000 square foot lot that is zoned R-1 can only have one residence, on it, the same lot zoned R-S may have eight units. (The R-1 zoned lot can, however, be subdivided into 5,000 square foot lots, on each of which one residence can be built.) Through the D Combining District the density may be raised or lowered; the former to a maximum of one unit for each 1,500 square feet of lot area.

Planned Development District -- The PD (Planned Development) District was originally used for major residential subdivisions, including condominiums. However, the County is now using this District for a variety of other applications where traditional zoning district requirements are not appropriate for some reason. The PD District has no set standards; it is a free form district in which the ordinance creating the district sets the standards for that particular district and virtually all of them are unique. A PD District, together with Site Development Review, can be used to allow a higher density project than might otherwise be allowed under other zoning categories for a property or neighborhood.

Combining Districts -- The Zoning Ordinance also provides for Combining Districts. These districts are mostly used in connection with a residential district. Two of them, the –B District and the –D District, modify the site area and yard requirements of a standard district. For example, the basic R-1 building site area requirement is 5,000 square feet. With a –B District this can be changed to R-1-B-8 to require an 8,000 square foot minimum building site area; R-1-B-10 (10,000 square feet MBSA); R-1-B-20 (20,000 square feet MBSA); R-1-B-40 (40,000 square feet MBSA); or R-1-B-E, in which case the building site area is as specified in the ordinance, e.g. R-1-B-E (Single Family Residence, 5 acre MBSA).

The –D District is specifically used with the R-S District to set the density at one unit per each 3,500, 2,500, 2,000, or 1,500 square feet of lot area or as specified: R-S-D-35, R-S-D-25, R-S-D-20, R-S-D-15, or R-S-D-E, respectively.

Secondary Unit Districts -- The –SU (Secondary Unit) and –CSU (Conditional Secondary Unit) Districts are combined with the R-1 or the R-S District to allow a secondary residential unit (also known as granny flats, in-law units, etc.) on the same lot as a single-family residence. The units may be attached or detached, and different restrictions apply to each.

The following table summarizes the various zoning classifications in the Unincorporated Areas of the County.

Residential Zoning Districts: Development Requirements, Alameda County 2001

District	Min. Building Site Area (MBSA) in SF	Front yard setback	Rear yard setback	Side yard (% of width)	Parking spaces per unit	Max. Height	Max. lot coverage	Max. unit density per acre
R-1	5,000+	20 ft.	20 ft w/ compensating open space	10%	2	25 ft.	No limit	8
R-2	2,500+	20 ft.	20 ft.	10%	2	25 ft.	No limit	16
R-3	2,000+	20 ft.	20 ft.	10 %	2	25 ft.	No limit	22
R-4	1,250	20 ft.	20 ft.	10 to 30 ft.	2	25 ft.	40 %	34
R-S	1,500 (through the –D-15 combining district)	20 ft.	20 ft.	10 ft.	2	25 ft.	No limit	28

Notes:

- Maximum densities may be less if internal roads are required.
- Combining units may modify the MBSA for the residential district and thus change the density; secondary units are allowed under an overlay district in some R-1 Districts which would increase potential maximum densities in those areas.
- Under the PD District, the maximum density is determined by site conditions.

Planning staff believes that the range of density categories and the type of housing associated with these categories adequately responds to housing demand. Planning staff also believes that land in the County's jurisdiction is predominantly appropriately zoned. Recent refinements in zoning have occurred in the County's urbanized Unincorporated Areas with the adoptions of the Castro Valley Central Business District Specific Plan (1993) and the Ashland and Cherryland Business Districts Specific Plan (1994), both of which provided for mixed uses along transit corridors and/or high density residential adjacent to commercial uses. The San Lorenzo Village Center Specific Plan, currently being finalized, will be introducing housing into areas that have been previously zoned exclusively for commercial uses.

Growth Controls

In November 2000, the voters of Alameda County approved the Measure D Initiative that amends the Alameda County General Plan. The principle provisions of the Initiative as they pertain to the ability of the County to provide housing include the following:

- The East County Area Plan's (ECAP) Urban Growth is redrawn to remove North Livermore (and the 12,500 units in the planning stage) from urban development, and the County is directed to withdraw from the joint planning Settlement Agreement with the City of Livermore and North Livermore landowners. North Livermore west of Dagnino Road is redesignated as an Intensive Agriculture area with the potential for 20-acre enhanced agricultural parcels upon demonstration of available water (among other requirements).

- Lands designated for Urban Reserve in East County are redesignated as Large Parcel Agriculture.

- The South Livermore Valley Area Plan is amended to place absolute limits on density and geographical extent.
- Areas identified in the Initiative as Castro Valley and Palomares Canyonlands in the West County have been redesignated as Resource Management (100 acre minimum parcel size).
- General Plan amendments, such as subdivision applications that increase allowed density, will now automatically necessitate a vote of the County electorate.
- Under the Initiative, the Board of Supervisors may modify the East County Urban Growth Boundary in order to meet State-imposed housing obligations, but only if criteria specified by the Initiative can be met.

Under the terms of Measure D, the portions of the County General Plan revised under the Initiative may not be amended except by voter approval, with the exception that the Board of Supervisors can impose more stringent restrictions on development and land use. Furthermore, existing and future County plans, zoning regulations, etc. must be consistent with the provisions of the ordinance. Portions of the ECAP and other planning documents that were not amended or enacted by the Initiative may still be modified without voter approval provided the modifications are consistent with the provisions of the Initiative.

Affordable housing will be assisted by the Measure D Initiative in that the Initiative requires each residential and non-residential project to contribute to meeting the housing needs of very low-, low- and moderate-income households. All residential developments of 20 or more units must include and maintain a specified number of affordable housing units. Developers not required to include affordable units in their project will pay an affordable housing fee under an affordable housing ordinance to be adopted by the County.

Project Mitigations

In the County's unincorporated urbanized areas (e.g. Castro Valley), most of the remaining undeveloped parcels are infill parcels that have one or more physical constraints, such as slope, drainage, or traffic circulation. Housing projects on these infill parcels must be evaluated under the environmental review process mandated by the California Environmental Quality Act (CEQA), which may result in reducing the amount of land available for housing in order to protect sensitive environmental and visual resources, avoid geologic hazards, and reduce land use incompatibilities with neighboring residents. While at times constraints to more affordable housing, these mitigations are required under State law for the health, safety, and welfare of the public.

FEES AND EXACTIONS

Development Impact Fees

Development impact fees (DIFs) are based upon the impact of new construction on services provided by the jurisdiction. Where development occurs on raw, previously undeveloped land, the cost of providing services is considerably higher than when

infrastructure and other services are already in place as is the case where new development occurs as infill. Fees on new "Greenfield" homes (even less expensive ones) can be as high as 10 to 15% of the cost of a new home when school and sewer and water connection fees are included. According to the Home Builders Association of Northern California, the fee load is estimated to be at $55,000, or 16% of the purchase price of a $350,000 home. This amount, added to a 7%, 30-year fixed-rate mortgage, adds $329 per month to the mortgage payment, or $118,557 over 30 years of loan payments, a sum nearly equal to 30 years of property taxes. The Home Builders Association attributes the high fees to the inability of cities to pay for the cost of services as a result of Proposition 13 that places limits on property taxes and thus the ability of the jurisdiction to provide services.

Alameda County's fee structure is set up such that multi-family housing projects do not carry a heavier burden than single-family projects. The table below describes the range of fees a developer may encounter when constructing new housing within the unincorporated Alameda County.

Fees	Single-family	Multi-family
Planning Department		
Park dedication fees	$2,825 ➢ $1,025 for all senior or affordable housing units	$2,400/ unit
Public Works		
S.D.A. 7-1 Flood control Zone 7 (Livermore Valley)	$ 0.522/ sq. ft.	$ 0.522/ sq. ft.
Tri-Valley Transportation Development Fee	$1711	$1198/ unit
Cumulative Traffic Impact Mitigation Fee	$1650 (+ $458/ additional vehicle space over 2)	$1014/ unit
Building Permit Fee	$992.35^{+} (depending on valuation)	$992.35^{+} - $3,272 (depending on valuation
School District		
Castro Valley	$2.14/ sq. ft.	$2.14/ sq. ft.
Hayward	$3.17/ sq. ft.	$3.17/ sq. ft.
Livermore	$6,098/ unit	$4739.50/ unit
San Leandro	$2.14/ sq. ft.	$2.14/ sq. ft.
San Lorenzo	$2.05/ sq. ft.	$2.05/ sq. ft
Pleasanton	$4.41/ sq. ft.	2.38/ sq. ft.
Sunol	$2.05/ sq. ft.	$2.05/ sq. ft.
Water District		
East Bay Municipal Utility District (EBMUD)	$2,580 (*installation*) + $2,850 (*System Capacity charge*) + $25 (*account fee*) (**$5,455 total for 5/8-inch meter additional fees for larger meters)**	$3,213 (*installation*) + $3,420 (*System Capacity charge*) + $50 (*account fee*) (**$6,683 total for 5/8-inch meter for a duplex - additional fees for larger meters)**
Sewer Connections		
Castro Valley Sanitary District	$8,500 (*connection*) (+) $250 (*inspection*) fee/ unit	$8,500 (*connection*) (+) $250 inspection fee/ unit
Oro Loma Sanitary District	$3,890 (*connection*) (+) $200 (*inspection*) (+) $113 (*sewer service fee*) (+) $300 (*review fees*) (+) other fees as necessary **(approx. total $4503/ d.u.)**	$3,112 (*connection*) (+) $200 (*inspection*) (+) $88.78 (*sewer service fee*) (+) $300 (*review fees*) (+) other fees as necessary **(approx. total $3700/ d.u.)**

To illustrate the character of the burden these fees may impose on a project, staff

developed two hypothetical housing developments located in Castro Valley. For a new 2,000 square foot, single-family residence with two cars, a developer would pay a total of $22,960:

$2,825 in park in-lieu fees;
$1,650 in traffic mitigation fees;
$4,280 in Castro Valley School District fees;
$8,750 in sewer connection fees; and
$5,455 in water district fees =
$22,960 per unit

On the other hand, a multi-family development consisting of twenty (20), 1,000 square foot units in Castro Valley would incur approximately $338,600:

$48,000 in park in-lieu fees;
$20,280 in traffic mitigation fees;
$42,800 in Castro Valley School District fees;
$175,000 in sewer connection fees; and
$52,520 in water district fees =
$16,930 per unit

These hypothetical situations demonstrate that multi-family developments are no more burdened by fees than single-family developments. This is relevant because multi-family developments are often the preferred configuration to affordable housing projects. It is also noted that the largest share of fees is attributed to sewer connection fees, followed by water district fees.

To facilitate the development of new housing, one option is to distinguish fee rates between conventional housing and affordable/senior housing developments, as the park dedication ordinance currently allows.

The following table shows the development impact fees for a number of selected cities within the County's jurisdiction. As can be seen, the DIFs imposed by the County on new housing in the unincorporated urbanized areas of West County are at the low end of the scale in comparison to those imposed by County cities located in the Tri-Valley area and Fremont (where raw land is still being developed). This table also shows that in comparison to well-established cities in the vicinity of the County's unincorporated urbanized areas (e.g. San Leandro and Hayward), County and city DIFs are roughly the same in total amount. While the Measure D Initiative's affordable housing requirement that is to be assessed against new development may increase the County's DIF, it will also help facilitate the provision of affordable housing (see above).

Planning staff concludes that while development impact fees certainly constrain the provision of affordable housing, the County's fee structure cannot be considered a constraint in comparison to other jurisdictions.

Development Impact Fees for a Single-Family Unit, Selected Cities, 2001

Jurisdiction	Fees for Service	Total Fees
San Leandro	Park in-lieu: $4,259 Street Improvements: $900	$5,159
Oakland	No DIFs (but some use of special assessment districts)	$0
Hayward	Park in-lieu: $11,953 Construction tax: $1,950	$13,903
Fremont	Park Facilities: $3,393 Park in-lieu: $9,893 Capital Facilities: $1,774 Traffic Impact: $1,751 Fire Impact: $204 Construction Tax: $1,522	$18,537
Dublin	Public Facilities: $8,384 (East Dublin $12,426) Basic Traffic: $4,084 TriValley Transportation: $1,525 Affordable Housing: $2,500 (assumes a 2,500 square foot house) Fire Impact: $646	$17,139 (Dublin) $21,181 (East Dublin)
Livermore	Park in-lieu: $3,400 Traffic Impact: $4,000 TriValley Transportation: $1,597 Construction Tax: $650	$19,669

Note: Does not include sewer and water connections, drainage fees, school district fees, environmental review fees, application fees, and building permit and inspection fees.

On-Site And Off-Site Development Fees

The County may require a project sponsor to incur the expense of either on-site or off-site development fees. On-site improvements pertain to private improvements required within the boundaries of the subject parcel. These include open space, parking, landscaping and lighting requirements. While these requirements may not imply a fiscal expense outright, they may require some space concessions on behalf of the project proponent.

On the other hand, off-site improvements, while directly related to the proposed project's impacts, relate to the County's infrastructure and therefore are for the public's benefit. There are various types of off-site improvements a developer may encounter, Tri-Valley Transportation Development Fee (assessed exclusively in the East County), traffic mitigation fees, school district fees, water and sewer connection fees, and park in-lieu fees. Due to the County's broad geographic scope, these fees may vary depending on the location of the project.

The Planning Department enforces the Park Dedication Ordinance adopted by the Board of Supervisors in June 1992. A park in-lieu fee is assessed to new construction projects. Under the Park Dedication Ordinance, prior to the issuance of a Certificate of Occupancy for construction of all new residential units, a dedication of land or payment of fees in lieu of dedication of land. The purpose of this requirement is to ensure that new development pays its fair share of provision of park and recreation facilities in the Unincorporated Area. As described herein, the ordinance takes into consideration the jurisdiction's need for affordable and senior housing. As such, in those cases, the requirements are significantly reduced.

CODES AND STANDARDS

Design Standards

Most of the County's design standards do not significantly constrain the provision of housing. Setback and subdivision requirements are not excessive and would not result in a reduction of units, and there are no lot coverage standards. After careful consideration of the zoning ordinance in its entirety, it appears that the height limit of 25 feet (the equivalent of a two-story limit) placed on multiple-family housing presents a problem for high density, multi-family residences. To address this constraint, this Housing Element contains a new goal to increase the height limit in transit-oriented development districts and higher density residential districts.

For a subdivision or a Planned Development project, the street width standards approved by the Planning Department are generally narrower than those recommended by the County Public Works Agency. This feature maximizes area to be developed, reducing the constraining factor that street widths can place on residential development.

Parking and On-Site Open Space Requirements

The parking requirement for housing is the minimum required by some local jurisdictions. Under the County's subdivision ordinance, a single family home must have two onsite, unenclosed parking places and one street-parking place. Because it is assumed that the prime times for commercial use and residential do not typically overlap, higher density housing in mixed-use areas can have a considerably lower parking requirement, which is determined on a case-by-case basis.

While the parking requirements have worked in the past with suburban–type settings, current development trends indicate that the required minimums are becoming a constraint. As such, the County will study the impacts of parking requirements on future development of housing as part of the Housing Element goals. Within the next three years, the County will gather and analyze data and present it to the appropriate decision making bodies. The analysis will include research on Bay Area jurisdictional efforts to modify parking requirements to address these concerns.

The County imposes no on-site open space requirements, except for the R-S District, which usually applies to high-density development. And in the R-S district, the 600

square foot of open space per unit requirement can normally be met within the standard setback requirements.

Approval Process and Public Hearing Requirements

Alameda County makes every effort to process applications in an expedient fashion but projects may be delayed when shortages of staff occur as has happened in the past when the strong economy resulted in hiring difficulties. For example, tentative map approval, variances, and conditional use permits now take two to three months to process in comparison to the 6 week approval process in prior years. In addition to staff shortages, the following factors have also contributed to the time it now takes to process a project: more detailed CEQA review in response to potential lawsuits, a greater volume of applications, and increased citizen participation in reviewing projects.

Because of budget restrictions and substantial staffing constraints in 2003, the County projects that processing times for certain kinds of applications will continue to be extended, in many cases out to the maximum times allowed by law.

- Administrative Conditional Used Permits, Boundary Adjustments - **four to eight weeks**

- Variances, site development reviews, parcel maps and routine BZA-hearing Conditional Use Permits that are CEQA-exempt and without additional CEQA work - **four to six months**

- Conditional Use Permits for both BZA and PC, small zoning units, tract maps, SMP amendments and other projects that require simple CEQA review (initial study and mitigated negative declaration) - **six to eight months (or more if controversial).**

- Conditional Use Permits for large projects such as golf courses, landfills or waste management facilities, new surface mining permits, large tract maps, especially when accompanied by rezonings or general plan amendments, all with major CEQA review (expanded mitigated negative declarations or EIRs) - **eight months up to 15 months (or more if controversial).**

In general the permitting process has been facilitated by the development of a shared database by the Planning and Building Inspection Departments that enables tracking of the project from start to finish as it proceeds through the permitting requirements of the two departments. Processing of applications has also been significantly improved in the past ten years by having printouts available to the public at the two departments that describe the permitting procedures and requirements. Nevertheless, having this information also available on the County's website could further facilitate the permitting process. Public hearing requirements meet, but do not exceed, those required under State law and therefore do not impede project approval in comparison to other jurisdictions.

Building Code

In 1997, the State revised the seismic provisions of the Uniform Building Code (UBC) to significantly higher standards. In 1998, the County further revised the UBC to require

seismic bracing for single-family dwellings as well as requiring more extensive geologic studies for residential projects in the Alquist-Priolo zone. These new seismic standards affect the cost of housing not only in terms of the materials involved but also in the new level of expertise needed to build what's required. The increase in cost can be significant but is hard to pinpoint because the seismic design requirements are specific to the site. Staffs of the Planning and Building Inspection Departments consider that these additional costs are warranted in terms of both public safety and long-term benefits.

Fire Code

The County's Fire Code has not been changed significantly in the past ten years and therefore has not affected the cost of housing. Sprinklers are only required for custom-built homes on a case-by-case assessment and so the associated cost would not affect the cost of affordable housing.

ENFORCEMENT

Historic Preservation Ordinance

The County's Historical Preservation Ordinance is presently quite minimal in scope, and there is no comprehensive inventory of historical resources, a lack that is currently being addressed by Planning staff. At this time, the protection of historic structures is initiated on an individual basis solely through the CEQA process. While there have been no cases in the County where the construction of affordable housing on the site of a possible historic structure has been prevented, the new CEQA standards established in 2000 regarding historical resources are more stringent, and may result in preventing the demolition of structures on sites that would otherwise be used for higher density housing.

Code Enforcement

The County sees the enforcement of standards defined in the building codes as being necessary to the public's health and safety even though the associated costs may affect the cost of housing.

REASONABLE ACCOMMODATIONS LAW

On January 1, 2002, a new law became effective that requires local jurisdictions to include, in the analysis of governmental constraints, a discussion of the potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities, and demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for persons with disabilities (Section 65583(a)(4)). In addition, the jurisdiction must include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities (Section 65583(c)(3)).

The County submitted its initial draft of the Housing Element to the State before the new law went into effect. The County has not yet had the opportunity to develop an analysis of the constraints posed by local controls on the development, maintenance, and improvement of housing, nor can it develop programs to remove or mitigate those barriers until such a review has been completed. This Housing Element draft includes actions to address these requirements in 2004. Specifically, the analysis will address the following issues:

Overarching and General

- Describe the County's processes for individuals with disabilities to make requests for reasonable accommodation with respect to zoning, permit processing, or building laws.[9]
- Describe the County's efforts to remove constraints on housing for persons with disabilities, such as accommodating procedures for the approval of group homes, ADA retrofit efforts, an evaluation of the zoning code for ADA compliance, or other measures that provide flexibility.
- Describe the County's efforts to make information available about requesting a reasonable accommodation with respect to zoning, permit processing, or building laws.

Zoning and Land Use

- Review the County's zoning laws, policies, and practices for compliance with fair housing law.
- Determine if residential parking standards for persons with disabilities are different from other parking standards, and whether the County has a policy or program to reduce parking requirements for special needs housing if a project proponent can demonstrate a reduced need for parking.
- Describe the County's efforts to equitably site group homes, and describe the impacts this may have on housing costs and development.
- Describe the zones that allow group homes other than those residential zones covered by State law. Explain how group homes over six persons are allowed.
- Explain the County's occupancy standards in the zoning code that may apply specifically to unrelated adults as distinguished from families. Determine if these standards comply with Fair Housing Law.
- Describe if and how the land use element regulates the siting of special needs housing in relationship to one another. Specifically, is there a minimum distance required between two or more special needs housing?

Permits and Processing

- Describe the County's processing requirements for request to retrofit homes for accessibility (e.g., ramp installation).

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[9] It should be noted that the County already provides reasonable accommodations in zoning and other local programs for residential developments. The Board of Supervisors approved the following action, found in the implementation plan, to codify this existing practice:

1.3.2 Codify the County's practice of offering reasonable accommodations in zoning and other requirements for residential developments serving disabled people or households with a disabled member per state and federal law, into written policies and procedures and publicize the availability of these policies and procedures. (County Planning Department) (N) (2003)

- Explain the County's requirements regarding allowing group homes with fewer than six persons to locate by right in single-family zones. Describe what permits are required, if any.
- Describe whether and to what extent the County has conditions or use restrictions for group homes with greater than six persons, explaining how they effect the development of housing for persons with disabilities.
- Explain the County's requirements, if any, on community input for the approval of group homes, and how they may be different that other types of residential development.
- Explain any conditions the County has for group homes that provide services on-site, and describe how these conditions might affect the development or conversion of residences to meet the needs of persons with disabilities.

Building Codes

- Explain the County's building codes in relationship to the Uniform Building Code. If they have been adopted by the County, in what year? Determine if there are any modifications that might diminish the ability to accommodate persons with disabilities.
- Describe any County efforts to adopt universal design elements in the building code.
- Explain the County's efforts to provide reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits.

ARTICLE 34

Article 34 of the California Constitution requires local jurisdictions to obtain voter approval before they develop, construct, or acquire publicly subsidized housing that is affordable to lower-income families. Although not all affordable housing development that is supported by a local jurisdiction falls under the legal definition of "develop, construct, or acquire" subsidized housing, this requirement is a significant constraint to the development and preservation of affordable housing because it requires local jurisdictions to continually return to the voters for permission to develop housing that is critically needed in the jurisdiction or to restrict fewer units to affordable levels than might otherwise be provided. Local jurisdictions typically place a measure or referendum on the local ballot that seeks authority to develop a certain number of units during a given period of time. This process is extremely costly, time-consuming, and contrary to the jurisdiction's mission to provide housing for all of its residents. It is also contrary to the State's own requirements that jurisdictions endeavor to remove as many constraints to the development of housing as possible. Unincorporated Alameda County currently does not have Article 34 authority.