

The presentation will
begin at 6:15 😊

Housing Element Workshop

August 21, 2023



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

What is a Housing Element?

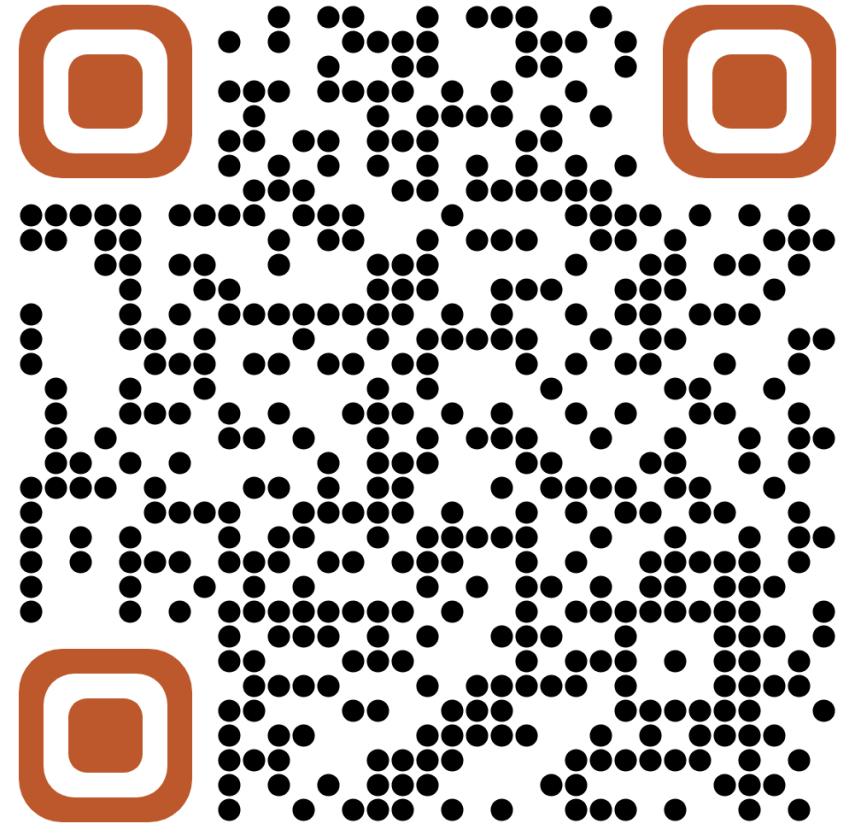
- A required part of the general plan for the Unincorporated areas of Alameda County, as well as every other jurisdiction
- While other parts of the general plan focus on traffic circulation, park space, climate change, etc, the goal of this chapter is to:
 1. Enable the construction of new housing by private and public entities
 2. Detail policies and programs necessary for providing housing for current and future residents of our communities
- The Planning Department is required to update the Housing Element every 8 years, by state law.

Housing Element Timeline to-date

- Staff and consultants began working on the Housing Element Update Summer 2022.
- Staff presented at the Eden Area, Fairview, and Castro Valley MACs and Unincorporated Services in February to give preliminary updates about the project.
- The Housing Element draft was published on August 3, 2023.
- Staff have presented at and Unincorporated Services and the Eden Area, Fairview, and Castro Valley MACs to discuss the draft
- Staff will present to the Planning Commission about the Housing Element on September 5 and the Board of Supervisors on September 21
- The public comment period will end on September 21
- After responding to comments and making the recommended edits, staff will submit the Housing Element to the state department of Housing and Community Development (HCD)

Today

- For an overview of the Housing Element overall, you can listen to previous presentations online. You can find them here: <https://www.acgov.org/cda/planning/housing-element/engagement-surveys.htm>
- Today we want to focus on two parts of the Housing Element (though if you have questions about the others, let us know!)
 1. The Sites Inventory
 2. Common questions about the Sites Inventory



Unincorporated Alameda County Residential Housing Needs Assessment (RHNA)

CYCLE	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
	2015-2023	430 units	227 units	295 units	
2023-2031	1,251 units	721 units	763 units	1,976 units	4,711 units
% Increase	191%	218%	159%	142%	166%

The state department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG) determine how many units of housing (houses, apartments, etc) each locality needs to plan for. This process takes several years. You can read more about the process here: <https://www.hcd.ca.gov/planning-and-community-development/regional-housing-needs-allocation>

Income Categories for Alameda County

Income Category	Percent of median income	Annual income (1-person household)	Annual income (3-person household)	Annual income (4-person household)
Extremely low-income	30%	\$28,800	\$37,000	\$41,100
Very low-income	50%	\$47,950	\$61,650	\$68,500
Low income	80%	\$76,750	\$98,650	\$109,600
Median income	100%	\$87,900	\$113,050	\$125,600
Moderate income	120%	\$105,500	\$135,650	\$150,700

Consequences of Not Fulfilling RHNA

- SB 35 (Weiner 2017) - Where construction of new housing units by developers has not met a jurisdiction's RHNA, cities and counties are required to offer a ministerial approval process for multi-family residential developments under certain circumstances:
 - 2/3 of the units must be residential
 - Must be located in urban area
 - Percentage must be affordable
 - Must comply with adopted "objective standards"
 - Subject to prevailing wage for construction workers
 - Must engage in Tribal Consultation
 - Public Hearings not required because a ministerial process

For more details on the consequences of non-compliance with state housing element law,



October 2021

New State Housing Unit Set to Enforce Local Housing Mandates



“A housing element is no longer a paper exercise – it’s a contract with the state of housing commitments for eight years, and the Housing Accountability Unit will hold jurisdictions to those commitments,” said Megan Kirkeby, deputy director for housing policy, California Housing and Community Development department in an October 2021 press release.

Local governments have much to lose if they fail to bring their housing elements into compliance with state requirements. With a staff of 25 in its new Housing Accountability Unit, California’s Housing and Community Development (HCD) department is resourced and ready to enforce state mandates on local housing plans and policies. In April 2021 guidance to cities and counties, HCD stated that it is authorized to “review any action or failure to act by a local government (that it finds) inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government’s actions do not comply with state law.” Noncompliant housing elements could also impact local general plans, as they are a required part of these foundational blueprints for land use planning. Localities that fail to comply are subject to a range of penalties, including:

Legal Suits and Attorney Fees: Local governments with noncompliant housing elements are vulnerable to litigation from housing rights’ organization, developers, and HCD. If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it often must pay substantial attorney fees to the plaintiff’s attorneys

in addition to the fees paid to its own attorneys. Potential consequences of lawsuits include: mandatory compliance within 120 days, suspension of local control on building matters, and court approval of housing developments.

Loss of Permitting Authority: Courts have authority to oversee local government residential and nonresidential permit processes to bring the jurisdiction’s General Plan and housing element into substantial compliance with state law. The court may suspend the locality’s authority to issue building permits or grant zoning changes, variances, or subdivision map approvals – giving local governments a strong incentive to bring their housing element into compliance.

Financial Penalties: Local governments are subject to court-issued judgments directing jurisdictions to bring a housing element into substantial compliance with state housing element law. If a jurisdiction’s housing element continues to be found out of compliance, courts can fine jurisdictions up to \$100,000 per month, and if they are not paid, multiply that by a factor of six.

Court Receivership: Courts may appoint an agent with all powers necessary to remedy identified housing element deficiencies and bring the jurisdiction’s housing element into substantial compliance with housing element law.

Streamlined Ministerial Approval Process: Proposed developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need are now subject to less rigorous “ministerial” approvals in order to hasten the production of housing and bring a jurisdiction into compliance with its state-determined housing need allocation.

OVER ▼

<https://abag.ca.gov/sites/default/files/documents/2021-10/Consequences-of-Non-Compliance-with-Housing-Laws.pdf>



Sites Inventory

- State law requires each city and county to demonstrate that zoning & general plan designations allow enough housing development capacity to accommodate RHNA.
- Inventory sites have been identified in every Unincorporated Community.
- Property owners will decide whether to develop their properties.
- Applications for housing developments still need to go through an approval process.
- As required by State HCD, assigning properties to an income category is generally based on density, assuming higher density units will be more affordable.

Methodology for Identifying Sites

1. Identified projects in the development pipeline.
2. Identified vacant public and privately owned parcels, using assessor's data, satellite imagery, and local knowledge.
3. Identified underimproved parcels, defined as property where the value of the land is higher than the value of the existing improvements (pavement, buildings, etc.)

Inventory Sites Identified

- 472 total sites
- 250 vacant sites
- 81 sites identified as underimproved
- 67 sites to be rezoned (to increase density allowed or to add housing as an allowed use)
- 74 sites with “pipeline” housing projects

Unincorporated Communities	Units Per Area	% Total Units	Above Moderate Income Units (generally <20 units/acre)	Above Moderate Units As % Of Total Units Per Area	Moderate Income Units (20-30 units/acre)	Moderate Units As % Of Total Units Per Area	Low & Very Low Income Units Per Area (> 30 units/acre)	Low & Very Low Income Units As % Of Total Units Per Area
Total	4,706	100.0%	1,956	41.6%	778	16.5%	1,972	41.9%
Eden Area	2,211	47.0%	703	31.8%	586	26.5%	922	41.7%
Ashland	1,358	28.9%	231	17.0%	267	19.7%	860	63.3%
Cherryland	215	4.6%	72	33.5%	81	37.7%	62	28.8%
Hayward Acres	47	1.0%	17	36.2%	30	63.8%	-	-
San Lorenzo	591	12.6%	383	64.8%	208	35.2%	-	-
Castro Valley	1,978	42.0%	767	38.8%	187	9.5%	1,024	51.8%
Fairview	323	6.9%	292	90.4%	5	1.5%	26	8.0%
Unincorporated Pleasanton	194	4.1%	194	100.0%	-	0.0%	-	-
Additional units (projected ADUs)	328		32		98		198	
Total Units Including ADUs	5,034		1,988		876		2,170	

Key Inventory Sites

- Bay Fair & Castro Valley BART station parking lots
- County Radio Communications Station at Foothill Boulevard and 150th Avenue in Castro Valley.
- First Presbyterian Grove Way site, adjacent to Trader Joe's in Castro Valley.
- San Lorenzo Village area
- Pipeline site in East County inside the Urban Growth Boundary east of the City of Pleasanton.

Check out the Sites Inventory:

- Online in pictures:
<https://www.acgov.org/cda/planning/housing-element/draft-sites-inventory.htm>
- Online in tables:
https://www.acgov.org/cda/planning/housing-element/documents/AlamedaCounty_FINALAppendixB-SitesInventory.pdf
- In the maps around the room
- In the printed Housing Element copies in the room



Entitled and Proposed Developments

Proposed Rezone Sites

Sites Inventory

Multiple Income Categories, at greater than 30 units per acre

"Above Moderate" Income Units, or generally less than 20 units per acre

"Moderate" Income, or generally 20-30 units per acre

"Low" and "Very Low" Income Units, or greater than 30 units per acre

Unincorporated Communities

Ashland

Hayward Acres

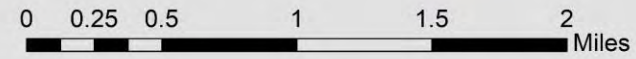
Fairview

San Lorenzo

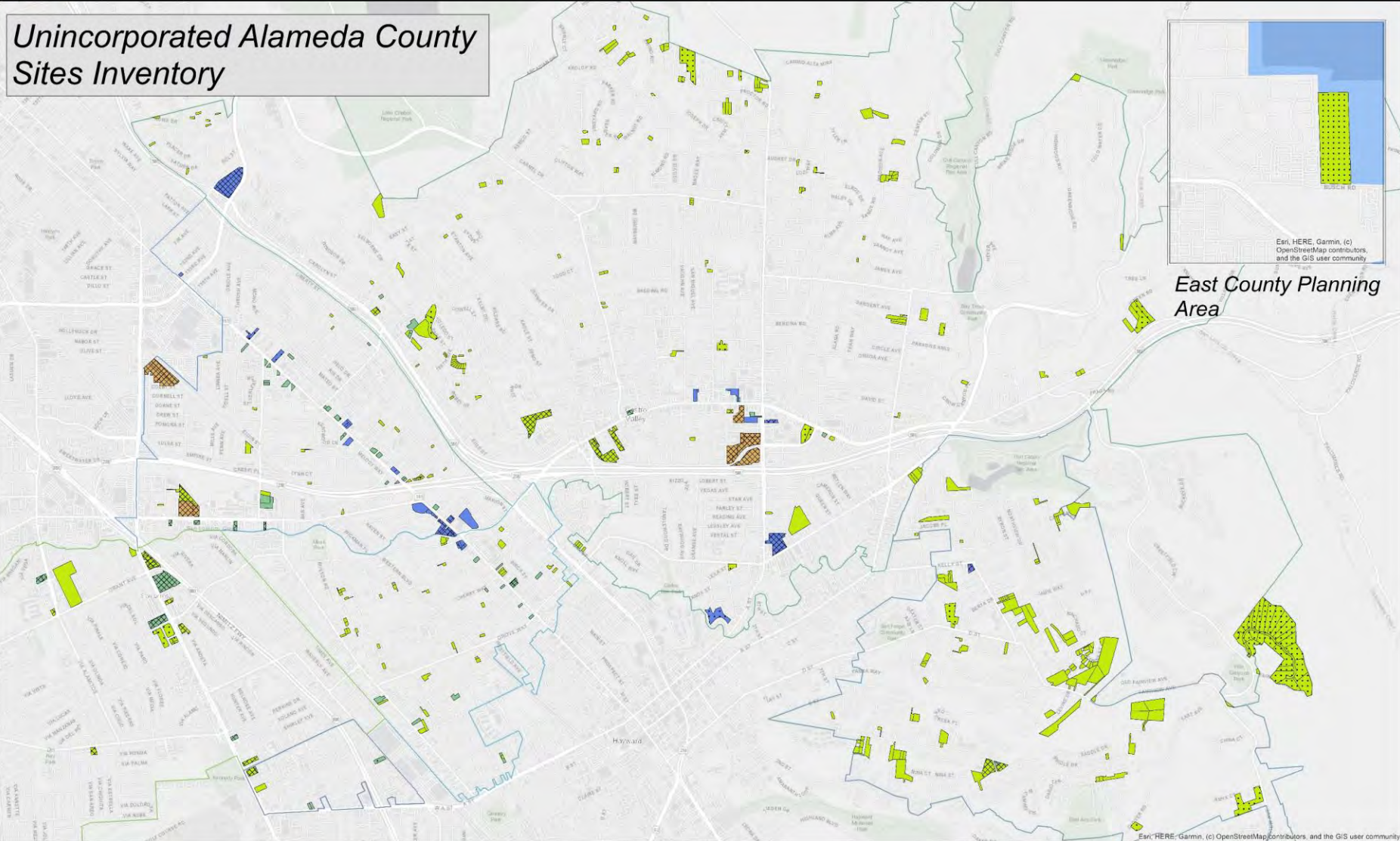
Castro Valley

Cherryland

East Alameda County



*Unincorporated Alameda County
Sites Inventory*



*East County Planning
Area*

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

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Common Questions and Concerns

How did staff decide the % of units per community?

The percentage of units per community is a result of where vacant land and developable nonvacant land is located. To locate enough land to hold the required number of housing units, staff had to include virtually every possible parcel.

When will all this housing be built?

While state HCD expects $1/8^{\text{th}}$ of RHNA (about 589 units of housing) to be built per year over the 8-year time period, development of any housing on sites inventory parcels will happen when/if landowners decide to initiate development.

How is the County accounting for additional parking needs and higher levels of traffic?

- The associated CEQA study for the Housing Element will be public by late September and will address traffic impacts
- SB 743 (Steinberg 2013) pushes staff to think about limiting the number of vehicle miles travelled (VMT) in communities rather than minimizing traffic through maintaining level of service (LOS) ratings
- For many of the possible developments, parking requirements will be the same as those in the Alameda County Residential Design Standards and Guidelines (2014)
- Some developments (for example: those on religious properties or at BART sites) are not allowed to have minimum required parking provided, per state law.

How will new housing affect public safety and property values?

From the conclusion (page 12):

“The siting of affordable housing does not negatively affect housing prices in Orange County.

“In fact, we see modest increases in both sales prices and price per square footage county wide, with the most pronounced impact in places categorized with higher rates of poverty.

“The siting of affordable housing reduces most types of crime, especially violent crime. The overall impact is best described as ‘null’, as the changes in crime are measured in a fraction of a single crime per year.

“... The results from our analysis for Orange County add to what has been found elsewhere: The placement of affordable housing does not negatively impact the surrounding community, and in many ways, it enhances both local property values and increases public safety.”

THE IMPACT OF AFFORDABLE HOUSING ON HOUSING & CRIME IN ORANGE COUNTY

John Hipp, Clarissa Iliff, Emily Owens, George Tita and Seth Williams
Department of Criminology, Law and Society
School of Social Ecology
University of California – Irvine

Produced by the Livable Cities Lab



L I V A B L E
C I T I E S L A B

<https://bit.ly/3E4838j>

How will the school systems handle this influx in new families and students?

The 4,711 units of housing enabled by this plan **will not happen all at once**. Any development will happen when landowners decide to apply to develop. Capacity building for new students will happen on a development-by-development basis

Staff have contacted all relevant school districts (Castro Valley USD, San Lorenzo USD, and Hayward USD) for comments.

But the Bay Area has a decreasing population – why does the Housing Element require so much new development?

- Staff are aware that the state and regional populations are declining. RHNA numbers are determined multiple years in advance, due to the scope and scale of the process.
- Additionally, the most recent RHNA numbers are meant to account for previous unit needs that were never met.
- Read more here: <https://bit.ly/47l8gMk>

What about all the vacant housing in our neighborhoods?

- Staff cannot count existing vacant housing towards RHNA
- Previous comments have suggested a program to propose an ordinance for a vacant housing tax, to push people to occupy or rent their properties. Staff intend to edit the programs list to include this

We want to
hear from you!

Submit comments in person! Use the sheets of paper provided, or come up to speak.

Submit comments by email:
housing.element@acgov.org

Read the Draft Online:
<http://www.acgov.org/cda/planning/housing-element/housing-element.htm> (QR below)

Help set priorities and submit comments online:
<https://alamedacounty.consider.it/>

Call us at (510) 670-5400 or mail us your comments at 224 West Winton Avenue, Room 111, Hayward, CA 94544.

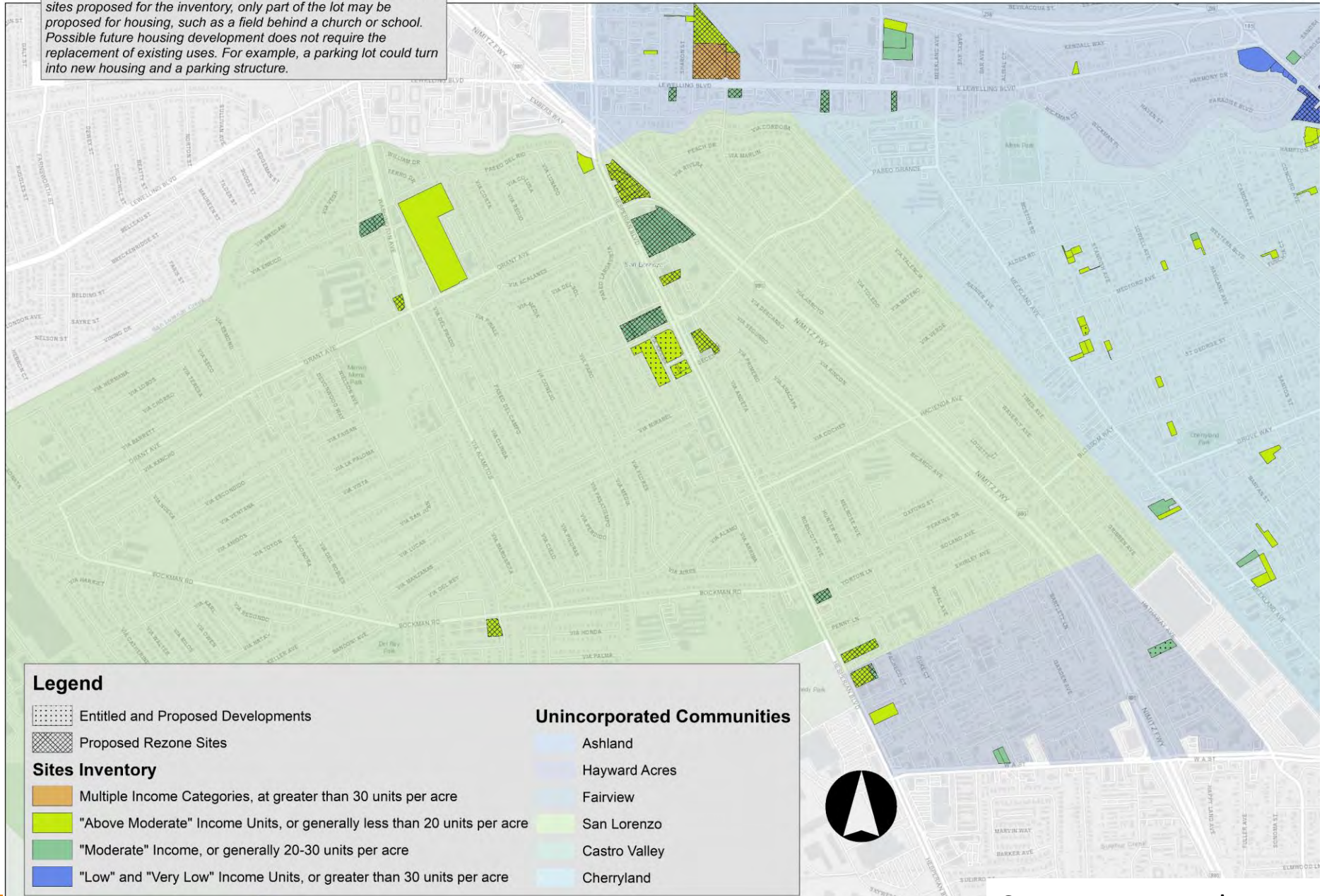


Speak at the following meetings:

- August 22: Agricultural Advisory Committee
- September 5: Planning Commission
- September 21: Board of Supervisors Planning Meeting

Unincorporated Alameda County July 2023 Sites Inventory

Note: the sites outlined in this map show the shape of the parcels, not the footprint of potential future housing development. For some sites proposed for the inventory, only part of the lot may be proposed for housing, such as a field behind a church or school. Possible future housing development does not require the replacement of existing uses. For example, a parking lot could turn into new housing and a parking structure.



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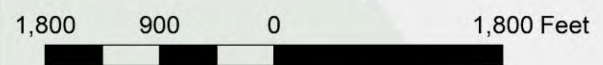
- Entitled and Proposed Developments
- Proposed Rezone Sites

Sites Inventory

- Multiple Income Categories, at greater than 30 units per acre
- "Above Moderate" Income Units, or generally less than 20 units per acre
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Unincorporated Communities

- Ashland
- Hayward Acres
- Fairview
- San Lorenzo
- Castro Valley
- Cherryland

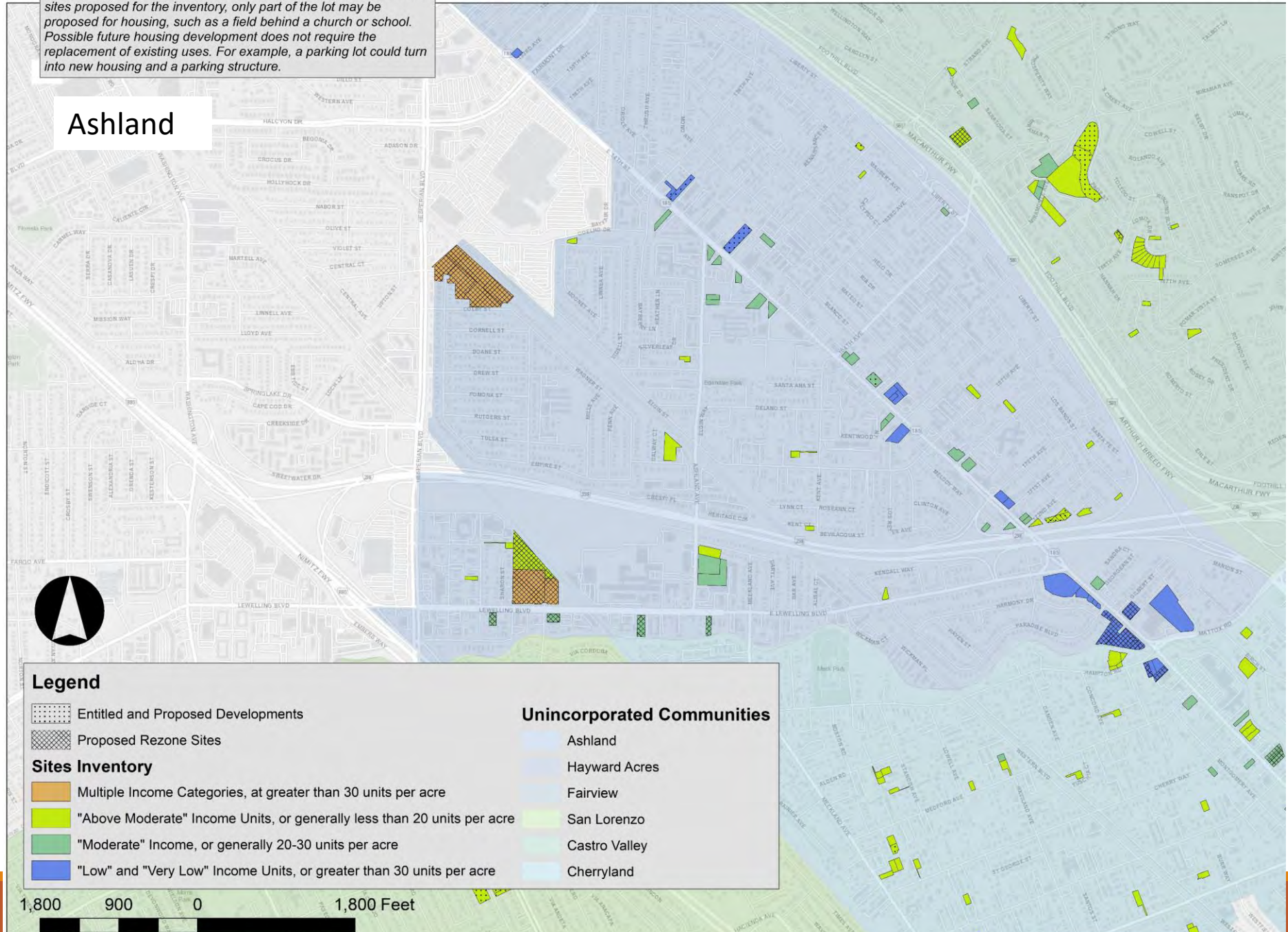


San Lorenzo and Hayward Acres

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Ashland



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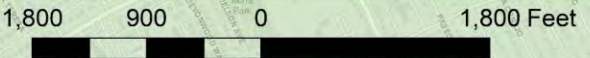
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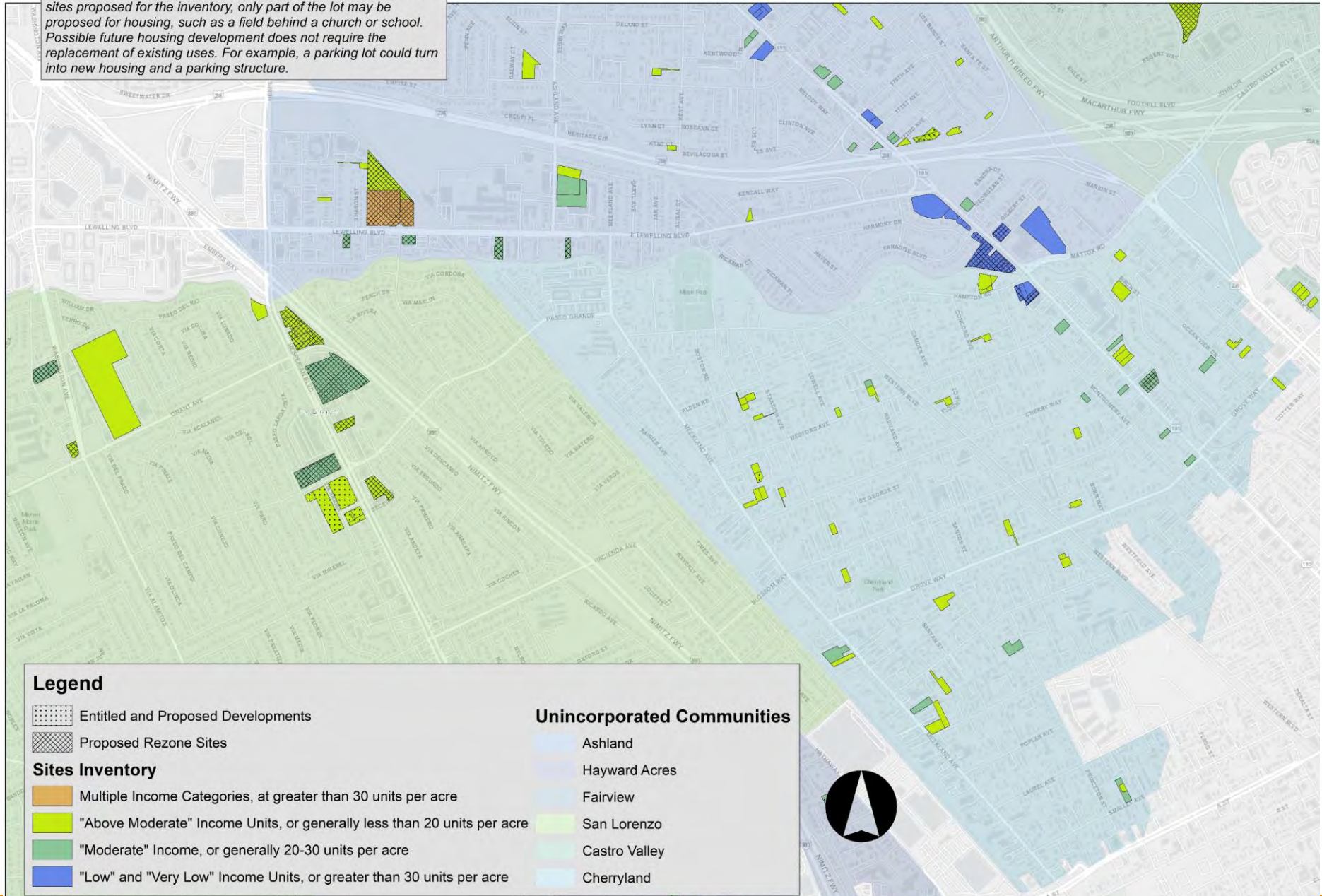
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Unincorporated Alameda County July 2023 Sites Inventory





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1,800 900 0 1,800 Feet



Cherryland



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



Castro Valley





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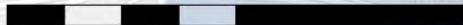
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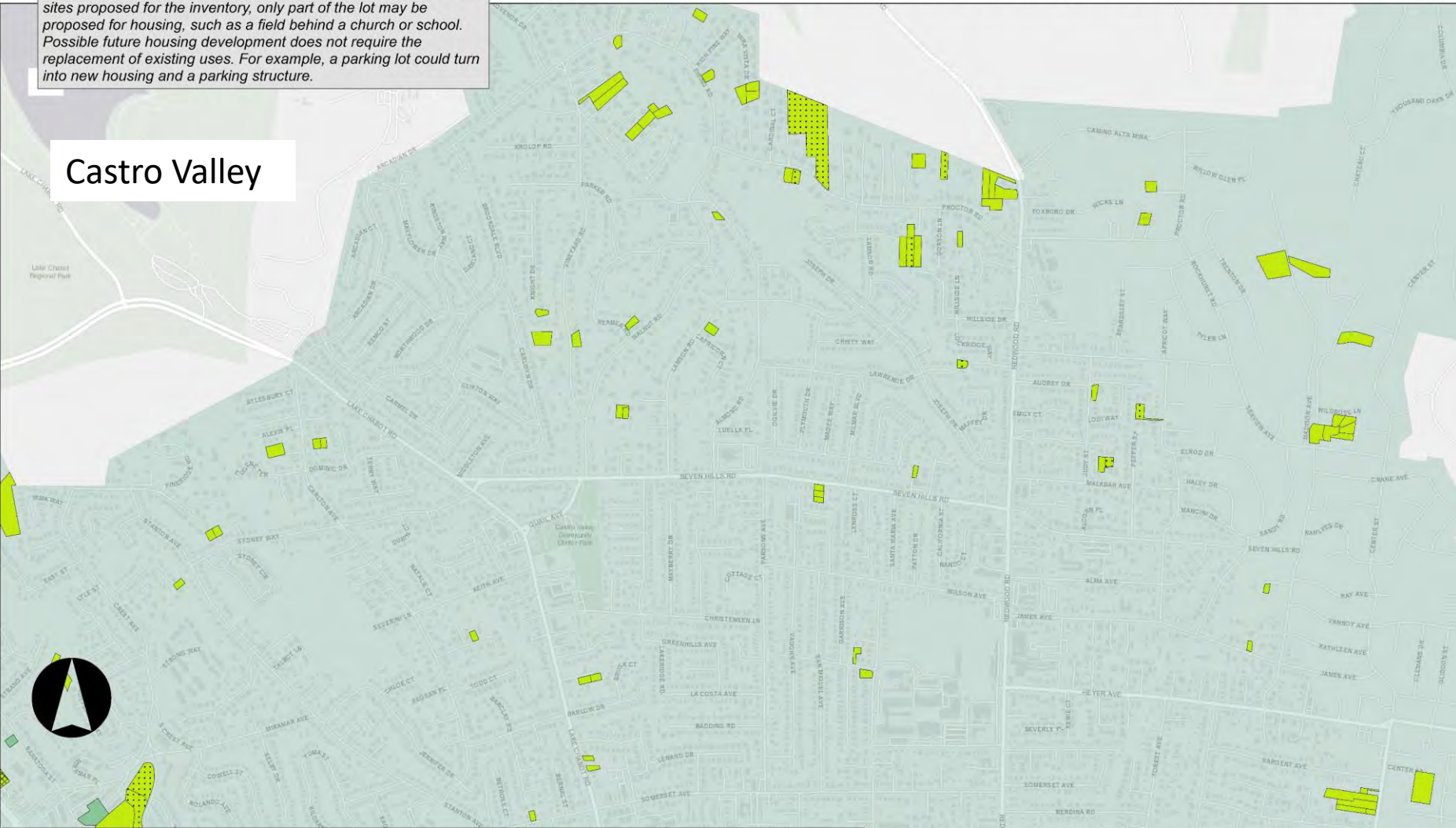
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Castro Valley



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





Castro Valley

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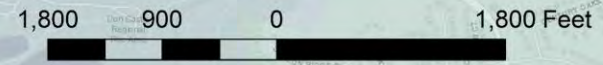
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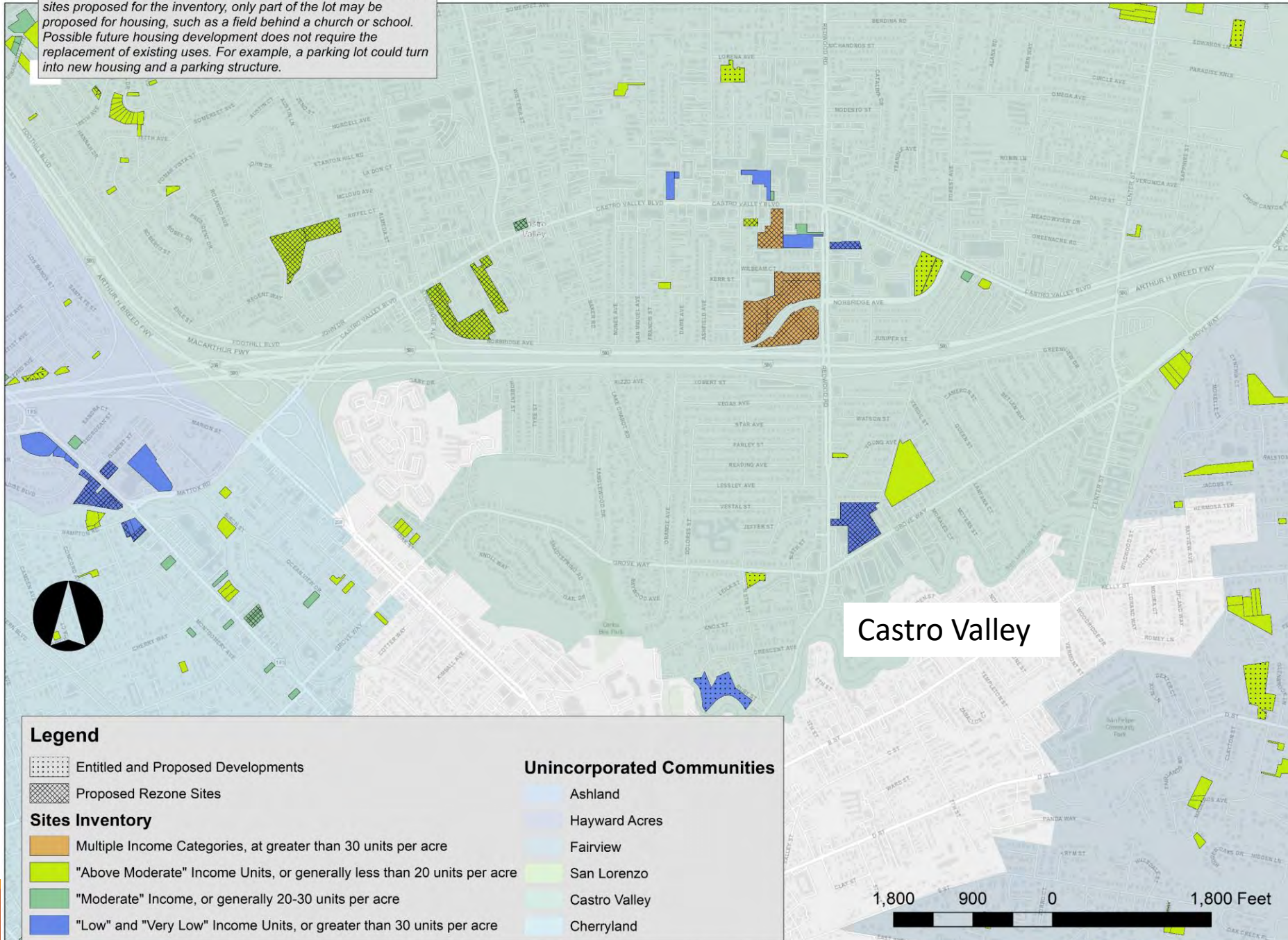
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





Castro Valley

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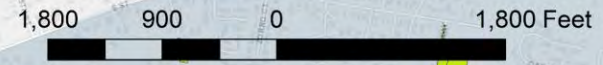
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Unincorporated Communities

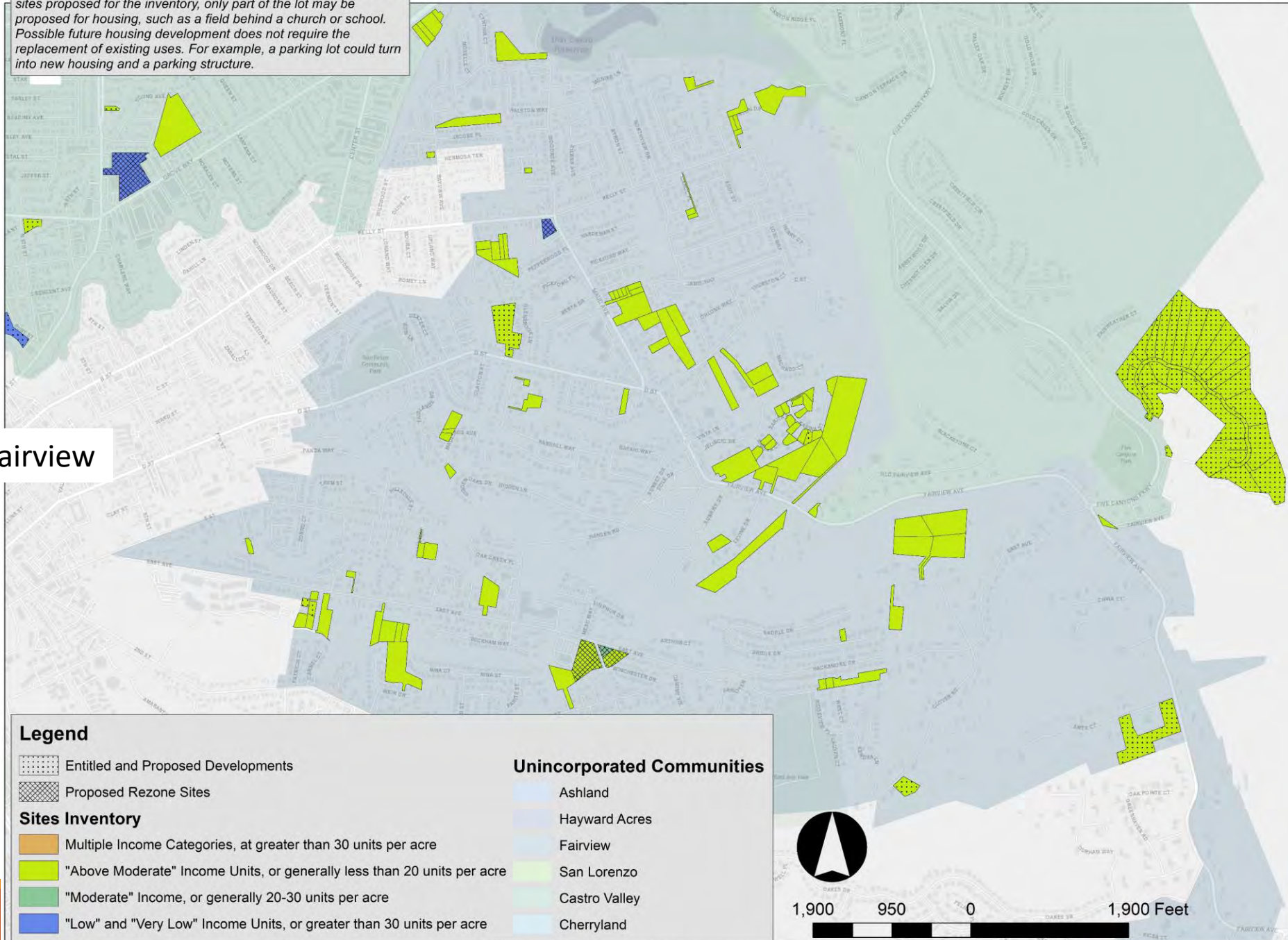
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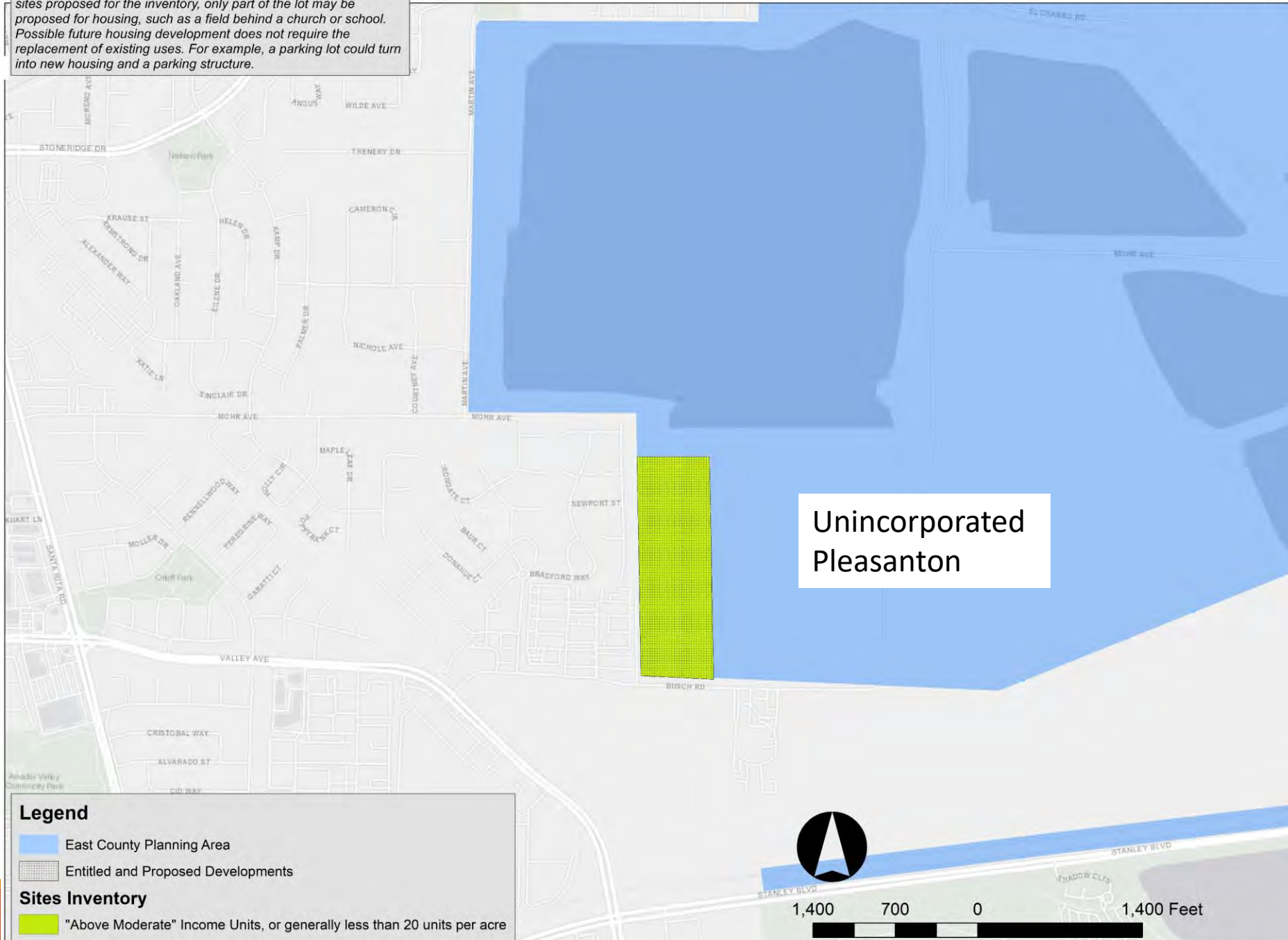
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Fairview



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Legend

- East County Planning Area
- Entitled and Proposed Developments

Sites Inventory

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