Housing Element Public Review Draft

Planning Commission

September 5, 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.

Project Status

Staff and consultants began working on the Housing Element summer 2022 and shared updates with the Planning Commission in December 2022 and February 2023

> Draft Housing Element available for Public Review August 3rd. Website: <u>http://www.acgov.org/cda/planning/housing-element/housing-element.htm</u>

During public comment period, public meetings are held to provide opportunity for input from the community and decisionmakers.

> September 21st, the Board will be asked to authorize sending the Draft Element to State HCD for a 90-day review as required by state law.

> > After revisions to address state comments another round of public meetings will be held and the Board will be asked to approve the final Housing Element.



Contents of the Draft Element

Section I	 overview of the document and relevant regulations.
Section II	 summary of the projected housing need
Section III	 summarizes adequacy of available housing sites and housing resources
Section IV	 Housing Plan - contains goals, policies, and actions related to housing in the County

Housing Element Appendices

Appendix A: <u>Housing Needs Assessment</u> – analysis of the existing and projected housing needs of the community, including groups with special needs.



Appendix B: <u>Sites Inventory and Methodology</u> – inventory listing adequate sites zoned for residential uses and available for development within the planning period to meet the County's fair share of regional housing needs across all income levels.



Appendix C: <u>Housing Constraints</u> – contains an assessment of impediments to housing production across all income levels covering both governmental and nongovernmental constraints.



Appendix D: Existing Programs Review – evaluation of the results of the goals, policies, and programs adopted in the previous Housing Element that compares projected outcomes with actual achieved results.

Housing Element Appendices cont'd.

- **Appendix E:** <u>Public Participation Summaries</u> includes a detailed summary of public outreach conducted during the preparation of the Housing Element. Not yet complete since the outreach process will continue through adoption of the Element.
- Appendix F: <u>Affirmatively Furthering Fair Housing Assessment</u> assesses accessibility to jobs, transportation, good education, and health services relative to the housing sites identified in Appendix B to determine how the inventory affects fair housing conditions and access to opportunity.



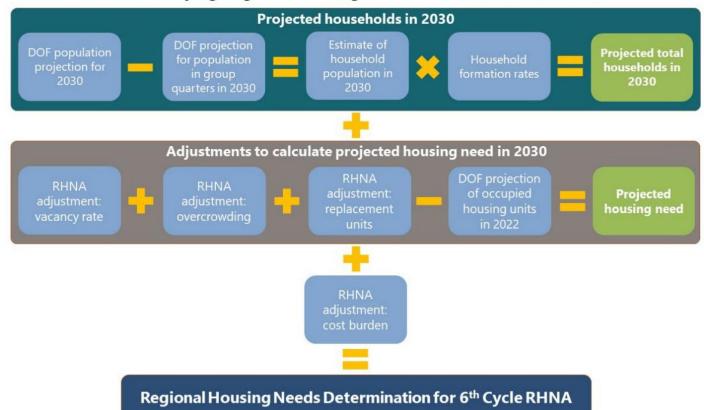
Appendix G: <u>Housing Resources</u> – provides a list of financial, administrative, and other resources at the local, regional, state, and federal levels to help the County address its housing needs.

Unincorporated Alameda County RHNA Increase from Current Cycle

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	817 units	1,769 units
2023-2031	1,251 units	721 units	763 units	1,976 units	4,711 units
% Increase	191%	218%	159%	142%	166%

RHNA

- Regional Housing Needs Assessment (RHNA) was a 2-year, multi-agency process.
- the most recent RHNA numbers are meant to account for previous unit needs that were never met.
- State HCD completed Regional Housing Needs Determination (RHND) with state Department of Finance (DOF) data.
- ABAG Housing Methodology Committee included representatives from every county, decided methodology for assigning RHNA to every locality.
- Only successful RHNA number change was a correction in county boundaries.
- No precedent for updating RHNA outside petition process.



For more information about ABAG's Housing Methodology Committee, see here: <u>https://bit.ly/47I8gMk</u>

HCD Process for Identifying Regional Housing Needs Determination (RHND)

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 bousing element is no longer a paper exercise – it's a contract with the state of bousing commitments for eight years, and the Housing Accountability Unit will bold jurisdictions to those commitments," said Megan Kirkeby, deputy director for bousing 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 to 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



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.



- 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.)
- 4. Identified subset of parcels for possible rezoning, either to increase density allowed or to add housing as an allowed use

Inventory Sites Identified

472 Total Sites	4,706 Total Units on Sites
250 Vacant Sites	538 Units on Vacant Sites
81 Underimproved Sites	771 Units on Underimproved Sites
67 Sites to be Rezoned	2,661 Units on Rezone Sites
74 "Pipeline" Sites	736 Units on Pipeline Sites

			Above	Above Moderate Units As %		Moderate Units As %	Low And Very Low	Low And Very Low Income
Unincorporated		% Of	Moderate	Of Total	Moderate	Of Total	Income	Units As % Of
Community	Units	Total	Income	Units Per	Income	Units Per	Units Per	Total Units
	Per Area	Units	Units	Area	Units	Area	Area	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	

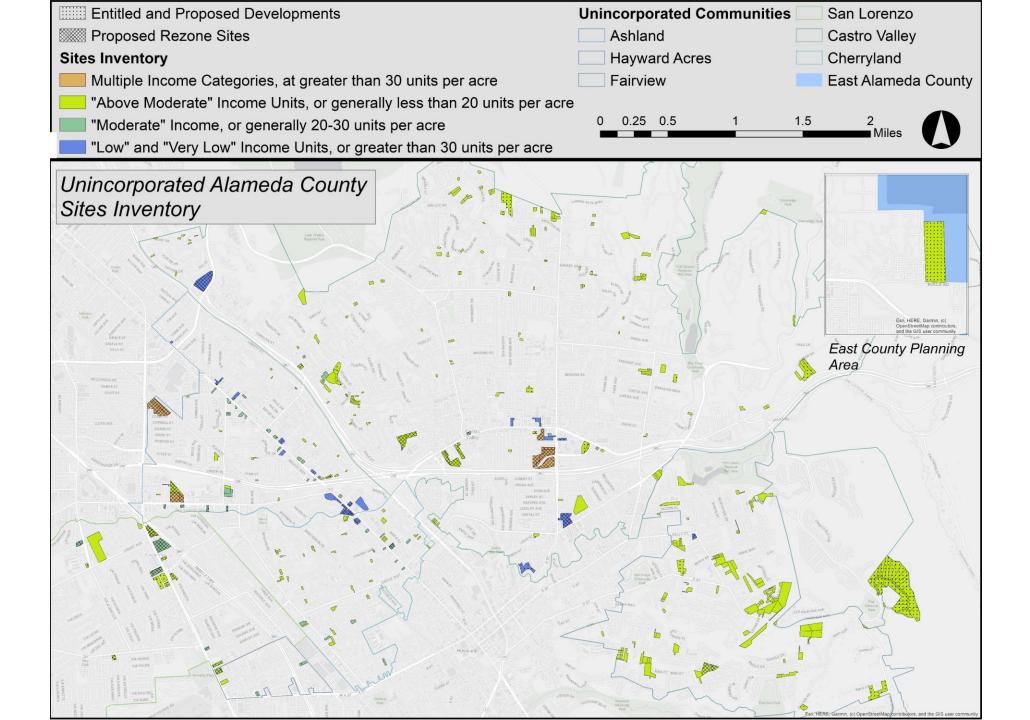
Key Inventory Sites

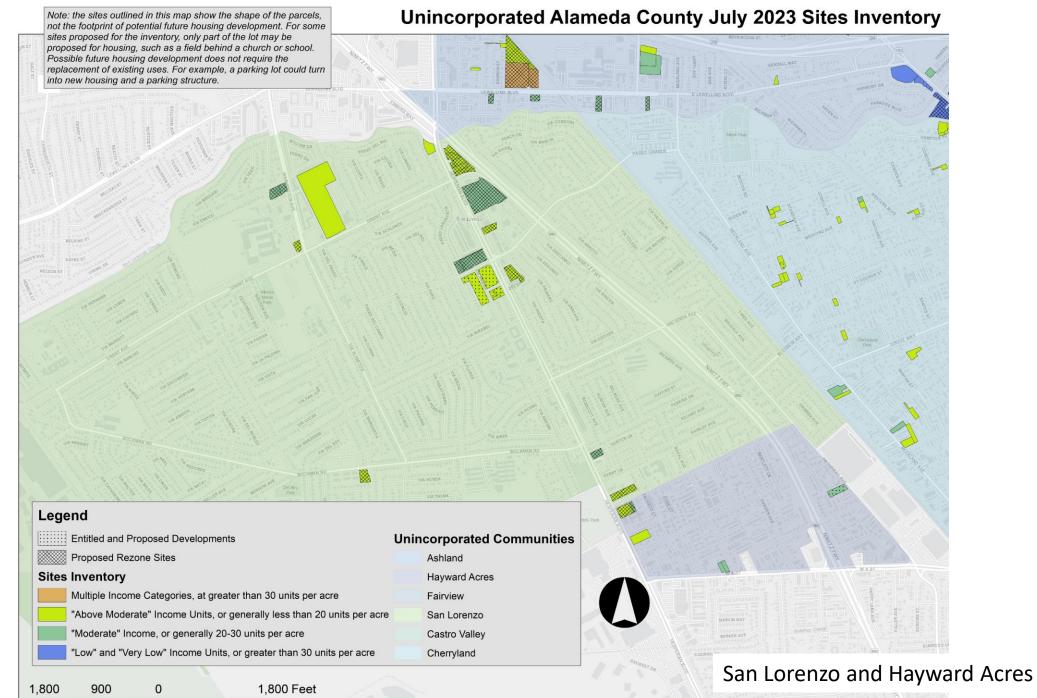
- Bay Fair BART (301 units) & Castro Valley BART (424 units) station parking lots
- County Radio Communications Station at Foothill Boulevard and 150th Avenue in Castro Valley (301 units)
- First Presbyterian Grove Way site, adjacent to Trader Joe's in Castro Valley (260 units)
- San Lorenzo Village area (320 units)
- Pipeline site in East County inside the Urban Growth Boundary east of the City of Pleasanton (194 units)

View the Sites Inventory online:

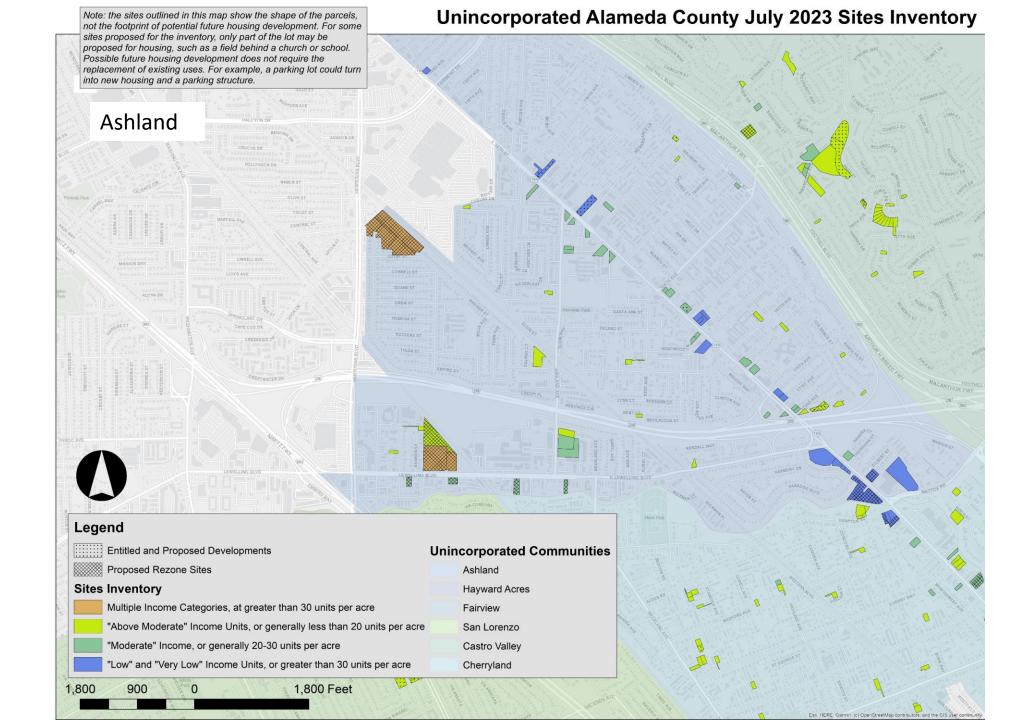
- Online maps: <u>https://www.Acgov.Org/cda/planning</u> /housing-element/draft-sitesinventory.Htm
- Online descriptive tables: <u>https://www.Acgov.Org/cda/planning</u> /housingelement/documents/alamedacounty finalappendixb-sitesinventory.Pdf (scroll to the end of the document)

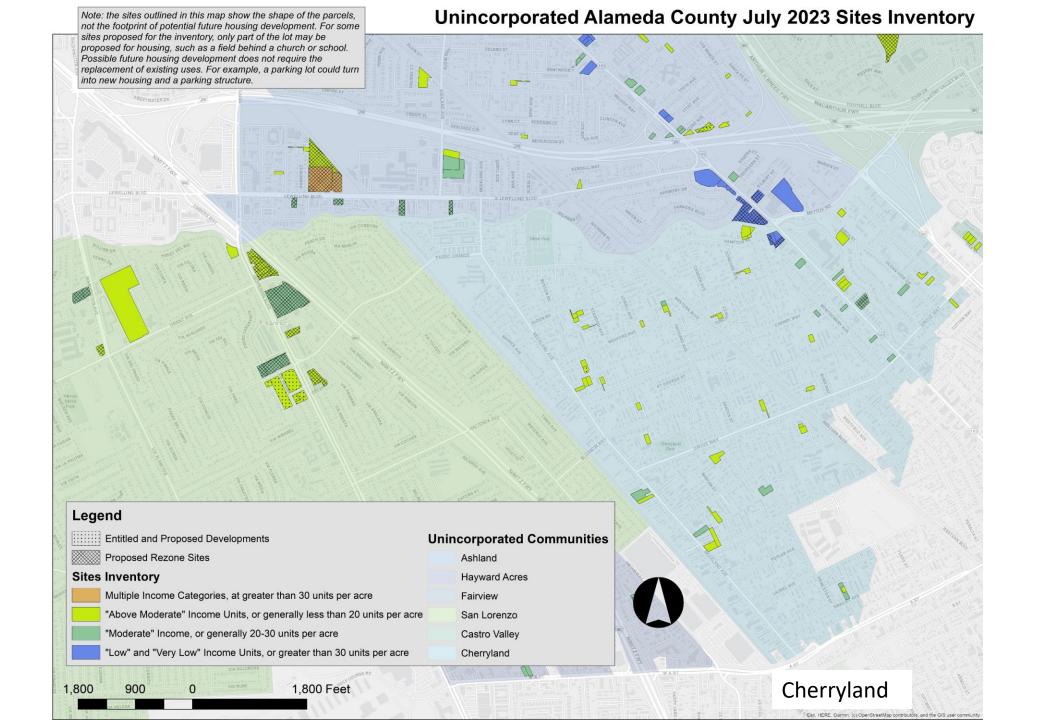


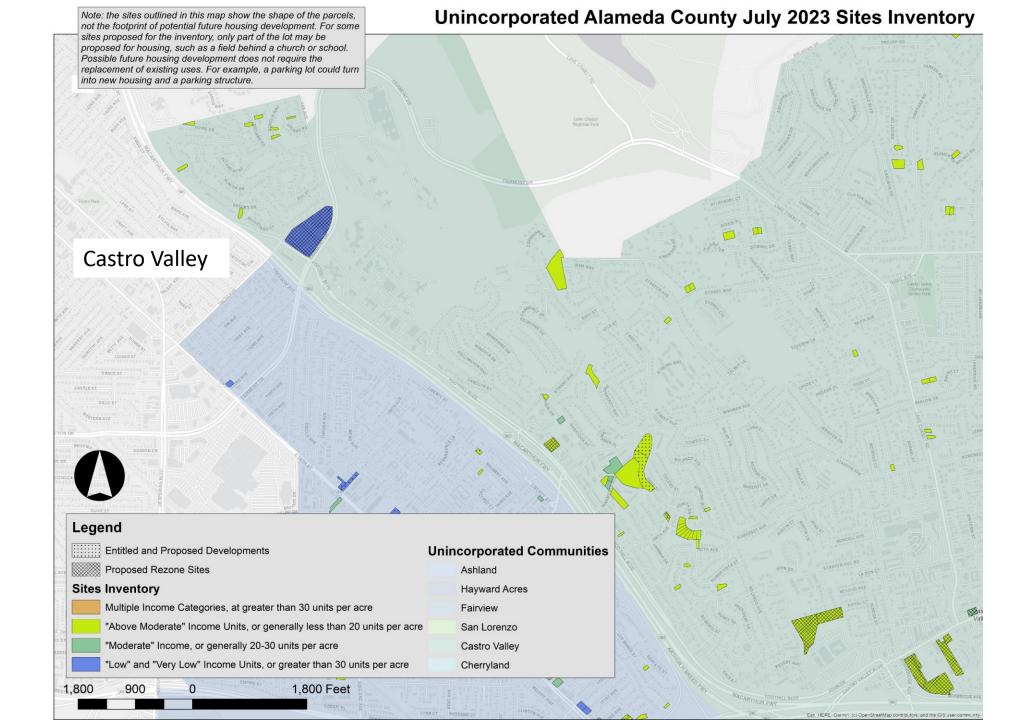


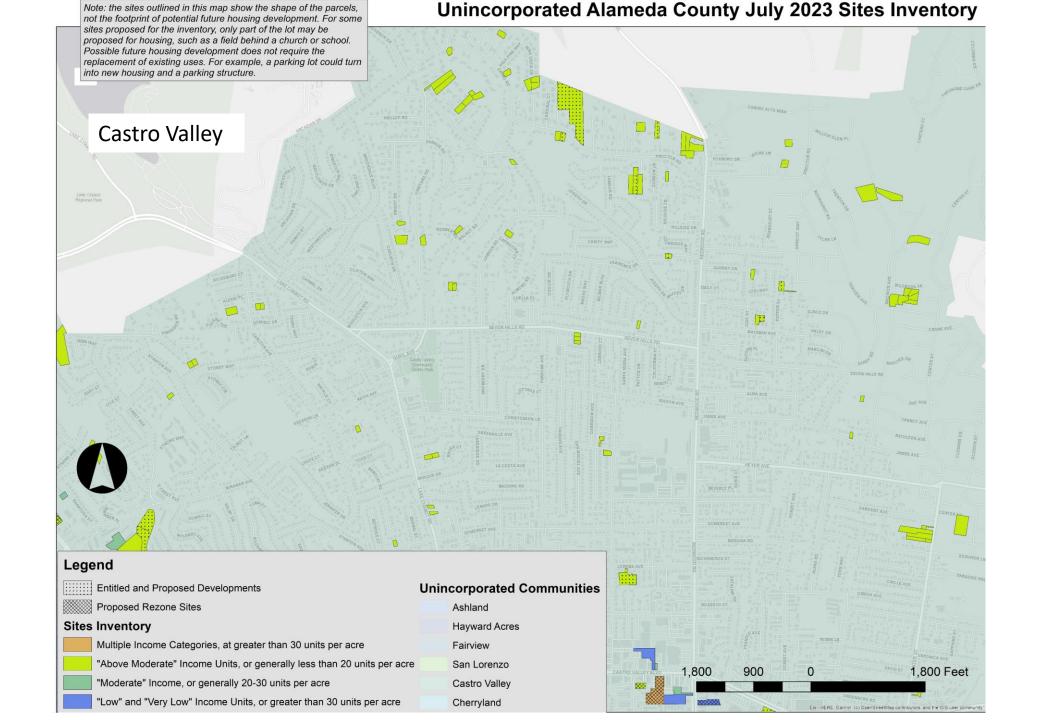


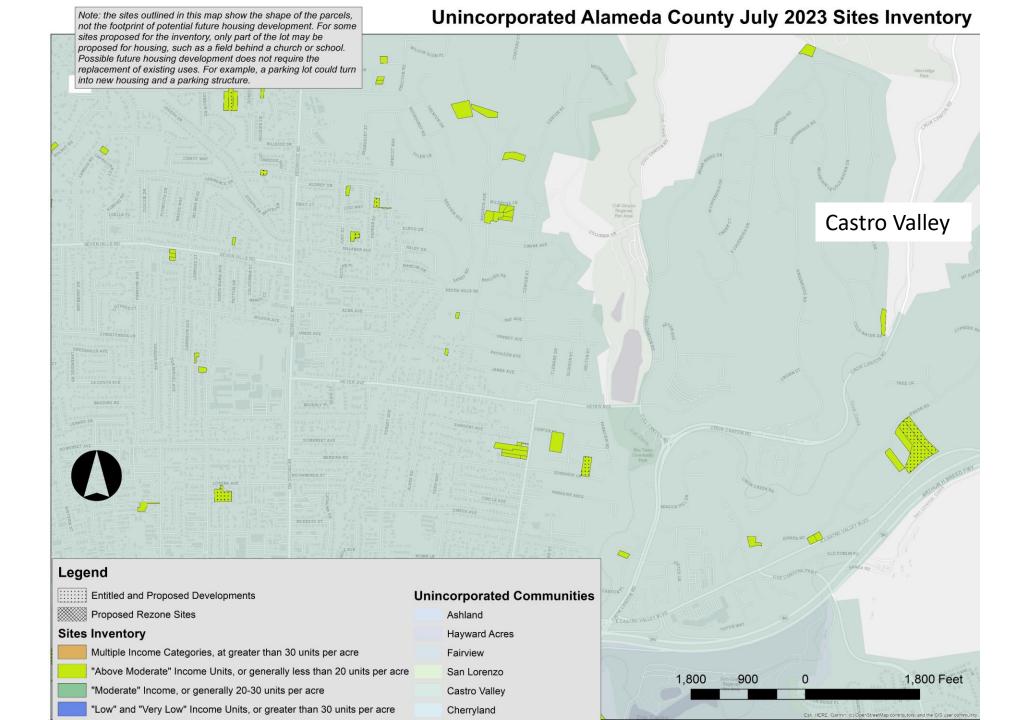
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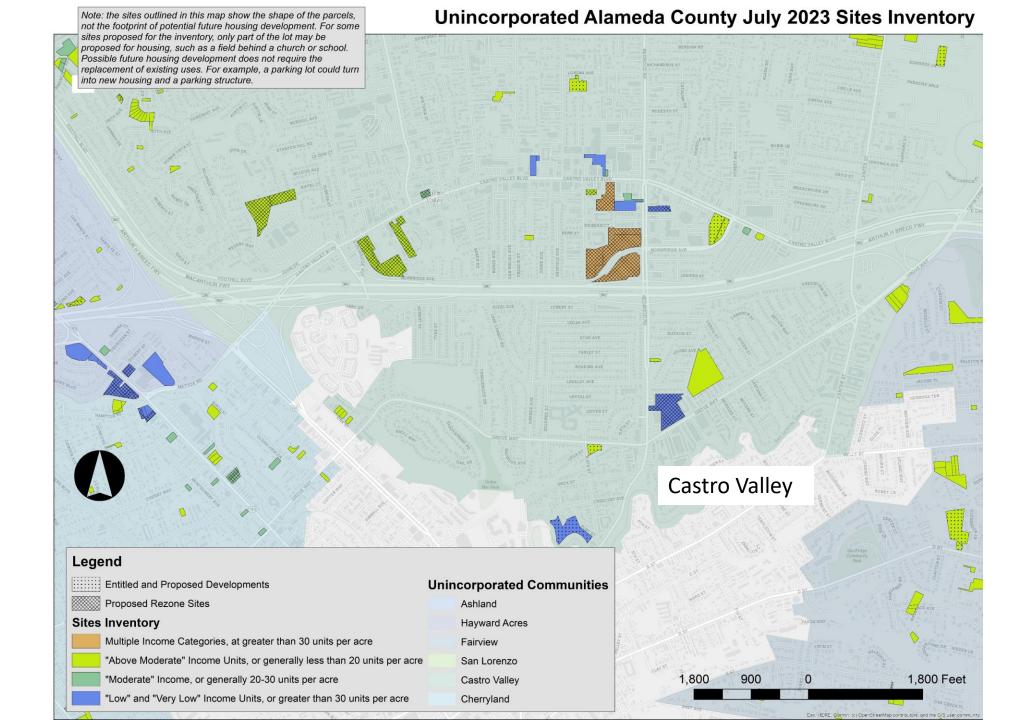


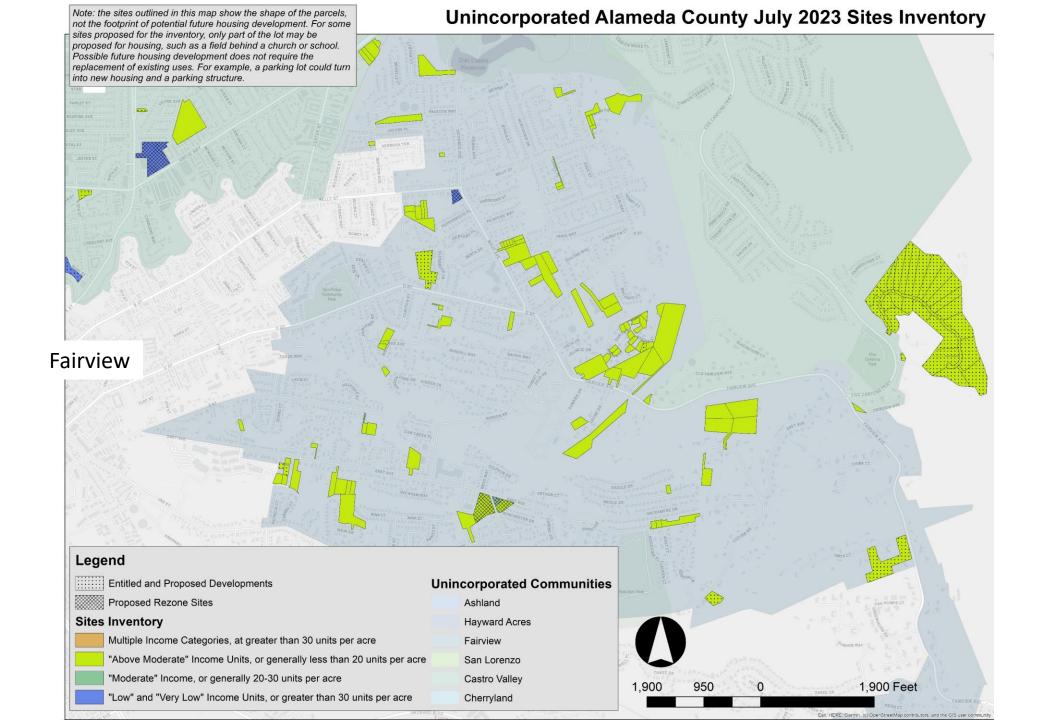


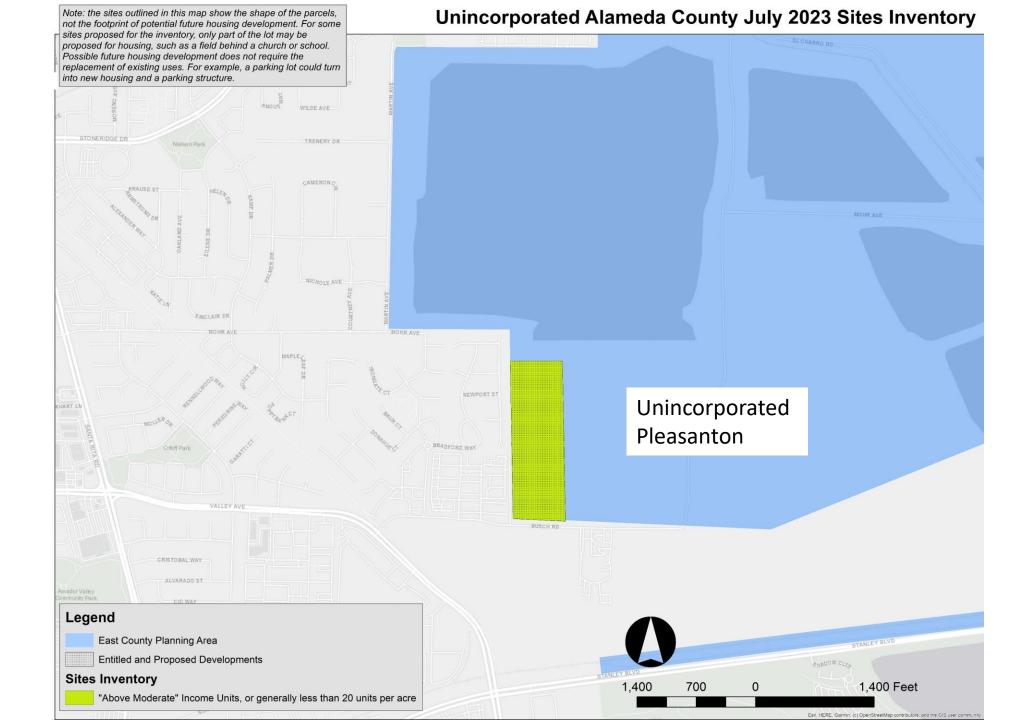














Compliance with the state statute requires:

- analyzing historical and existing fair housing and segregation issues in unincorporated communities,
- identifying fair housing goals,
- developing strategies to implement these goals, and
- ensuring sites in the inventory are identified in such a way that promotes AFFH



- The Housing Plan of the Housing Element describes the housing goals, policies, and programs for the County.
 - Goals indicate the County's direction and intent on housing-related needs.
 - Policies are statements that describe the County's preferred course of action among a range of other options.
 - Programs provide actionable steps to implement the goals and further progress toward meeting the County's housing allocation.

Draft Goals

- Goal 1: Accommodate a range of housing for persons of all income levels in accordance with the County's Regional Housing Needs Allocation (RHNA).
- Goal 2: Ensure a wide range of housing types to accommodate the housing needs of moderateand lower-income residents and households.
- Goal 3: Mitigate constraints to housing development and affordability.
- Goal 4: Create housing opportunities for people with special needs.
- Goal 5: Conserve and improve the existing housing stock to enhance quality of life and provide greater housing stability.
- Goal 6: Ensure fair housing opportunity for all persons without discrimination in accordance with state and federal law.
- Goal 7: Minimize the adverse environmental impacts of housing and encourage sustainability measures.

Engagement and Comments Received

Meeting Schedule

July 26	Board Unincorporated Services Committee
August 8	Eden Area MAC
August 10	Fairview MAC (Special Meeting)
August 14	Castro Valley MAC
August 21	Public Meeting (San Lorenzo Library)
August 22	Agricultural Advisory Committee
September 5	Planning Commission
September 21	Board of Supervisors Planning Meeting

Eden MAC

FROM COUNCIL

- Significant concern about proposed increased density in Eden Area, specifically Ashland and San Lorenzo Village
- Concern about additional low-income housing in Eden Area, especially Ashland
- Concern about net export of jobs and possible replacement of commercial areas with housing
- Desire to have commercial first floors, specifically at former Cherryland Place
- Concern about affordable and senior housing projects being exempt from Park Fee (Program 2.D)
- Noted that regional population is in decline
- Desire for additional tenant rights to be present in the Housing Element

FROM THE PUBLIC

- Against the possibility of Crunch Fitness (APNs 413-15-33-5 and 413-15-34-3) being rezoned to enable housing
- Against removal of housing cap in San Lorenzo Village area
- Against addition of high-density housing in Ashland; for the addition of high-density housing in Castro Valley
- Expressed desire to maintain the suburban nature of existing community, particularly San Lorenzo

August 8, 2023

Fairview MAC

FROM COUNCIL

- Concern about additional housing in Fairview overall
- Concern over constrained access to water and parking
- Concern over minimum public notice period for development projects (10 days)
- Support for the development of the Castro Valley and Bay Fair BART sites
- Disappointed in program to limit use of site development review to only noncompliant projects (Program 3.B)
- Expressed desire for Fairview to remain a rural place

FROM THE PUBLIC

- Concern about additional housing in Fairview overall
- Concern over constrained access to water
- Concern over the impact on traffic in Fairview and access to surrounding communities
- Concern over possible development at the Bayhill Foods (2637 E Avenue)
- Concern over minimum public notice period for developments

August 10, 2023

Castro Valley MAC

August 14, 2023

FROM COUNCIL

- Concern over percentage of units located in Castro Valley
- Desire for RHNA process to be redone
- Desire to move the Urban Growth Boundary
- Desire to hear from school districts, the Sheriff's office, and various utility providers in relation to the Housing Element
- Concern over existing infrastructure
- Concern over conception of higher crime levels and lower property values associated with new housing
- Multiple county departments should be considered constraints for Appendix C
- Concern about affordable and senior housing projects being exempt from Park Fee (Program 2.D)

FROM THE PUBLIC

- Support for and protest of higher densities in CVBD and development at BART
- Concern over existing infrastructure and school capacity
- Desire for RHNA process to be redone
- Desire for county staff to focus on job creation instead
- Support for new housing for existing and future residents
- Concern over conception of higher crime levels and lower property values associated with new housing
- Concern about the future quality of life
- Desire to maintain suburban quality of community
- Desire for various financial studies

Public Meeting

August 21, 2023

- Support for inclusionary zoning and universal design policies
- Support for the Housing Element as part of the County's response to climate change
- Support for more lower income housing to support families and workers
- Desire for higher densities (fourplexes) to be allowed in single family zoning by right
- Concern over disjointed planning processes of Hayward Unified School District and the county regarding community growth and school closures
- Against the development of the Bay Fair BART station, especially in relation to parking
- Concern over removal of commercial in downtown San Lorenzo and general lack of commercial to support new housing
- Concern over the amount of above moderate income level housing required and the large cost to build it
- Concern over insufficient commitment to change over AFFH findings

From emails and phone calls

Ongoing

COMMENTS ON CASTRO VALLEY

- Both for and against any development
- Concern about existing Castro Valley infrastructure supporting new housing, including parking, road schools, and the sidewalk network.
- Disagreement with possible development near Lucky grocery store
- BART development: from being staunchly against development; to being concerned over parking replacement as commuters return; to desiring higher densities (eg, 200 units/acre) than those required by AB 2923
- Desire for higher densities in northern Castro Valley and for more "multi-level" housing overall
- Support for walkable and denser Castro Valley for economic and accessibility reasons

OTHER PUBLIC COMMENTS

- Concern over increase in low-income housing in Ashland
- Desire for Crunch Fitness to be rezoned to a lower density than what's currently proposed
- Desire for additional tenant rights to be present in the Housing Element
- Technical concerns over program timelines, such as those with Programs 2.C, 2.E, 2.F, and 2.I
- Desire for county to comply with all existing state housing laws by 2025
- Preference for affordable housing to be integrated into most Housing Element sites through an inclusionary zoning ordinance rather than through exclusively low or very low income developments.

Consider.It

- Consider.It is an online platform for ranking and comparing ideas
- Visitors are asked to comment on Sites Inventory and prioritize possible programs
- Between 2 and 7 users responded to each
- More engagement with sites
- Generally supportive of policies and programs
- More critical of sites inventory overall and BART sites
- Supportive of the Sheriff Site and San Lorenzo development

Is providing housing development application materials in multiple languages a high or low priority? ¿Es prioritario o no facilitar el material de solicitud de viviendas en varios idiomas?

By July 2026, offer housing and development application materials in multiple languages, including Spanish, Cantonese, and Tagalog (Program 6.L). View full text <u>here</u>, page 44.

8/14/2023 4 opinions 0 pros & cons Give your Opinion

Submit your thoughts about the site inventory here! Envíe aquí sus comentarios sobre el inventario del sitio!

8/11/2023 5 opinions 2 pros & cons Give your Opinion

Develop housing at Bay Fair and Castro Valley BART stations. Construcción de viviendas en las estaciones de BART de Bay Fair y Castro Valley

Change the zoning at the Bay Fair and Castro Valley BART stations to allow for a minimum of 75 dwelling units per acre, minimum five stories in height, and other requirements set by

8/11/2023 7 opinions 3 pros & cons Give your Opinion



Ongoing





Staff responses

PARK FEE WAIVER

- County Park Dedication Ordinance (2004) established fees and waived fees for affordable housing, senior housing, and housing for people with disabilities.
- State HCD expects for jurisdictions to remove barriers to housing construction through the Housing Element process.

UTILITY CAPACITY

- PG&E, Castro Valley Sanitation District, the Oro Loma Sanitation District, and EBMUD have been contacted for comments twice
- Staff have confirmed RHNA numbers with EBMUD in relation to their 2050 Demand Study, 2025 Urban Water Management Plan, and infrastructure sizing.

Staff responses

SCHOOL CAPACITY

- Hayward USD, Castro Valley USD, and San Lorenzo USD have been contacted twice.
- Staff are meeting with CVUSD next week
- From Superintendent Camp: The San Lorenzo Unified School District would welcome students and families who move into these new housing options.

BART DEVELOPMENT

- Without development at the BART sites, it is unlikely that the county would meet its assigned RHNA goal of 4,711 new units.
- When/if development begins, there will be significant opportunity for community input.
- BART staff do not anticipate replacing every parking spot in any developments on BART property.
- Possible for county staff to seek funding for parking structures to mitigate parking loss.

AB 2923 requirements

For 'Neighborhood and Town Center' stations like Castro Valley and Bay Fair:

- Minimum 75 dwelling units per acre
- Minimum 5 stories allowable height
- Minimum FAR of 3.0
- No required vehicle parking
- Maximum residential vehicle parking of 1 space per unit
- Maximum office vehicle parking of 2.5 spaces per 1,000 square feet
- Minimum one bicycle parking spot per unit

Staff responses

TRAFFIC

- CEQA study draft will be public in late September
- When a project for a parcel in the Housing Element Sites Inventory is proposed, depending on the size and location, there may or may not be additional environmental analysis required, and generally the State has provided exemptions for many types of projects, especially those that serve lower income households.
- SB 743 (2013): when CEQA analysis is required, analyzes the vehicle miles traveled (VMT) not the ease of traffic movement (level of service, or LOS).

PARKING

- 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, at BART sites, near High Quality Transit) are not allowed to have minimum required parking provided, per state law.

Staff responses

CONCEPTIONS OF DECREASE IN PUBLIC SAFETY AND HOME PRICES WITH AFFORDABLE

- Many studies about many different communities have shown that affordable housing has a neutralto-positive impact on neighboring home values
- Studies have shown that affordable housing has no impact on the crime rate
- in some instances, affordable housing is associated with a decreased crime rate.
- Other factors, like the quality of property management, have been shown to impact neighboring properties more

EXAMPLE STUDIES

"Do Affordable Housing Projects Harm Suburban Communities? Crime, Property Values, and Taxes in Mount Laurel, NJ." <u>https://doi.org/10.1111/cico.12015</u>

"Who Wants Affordable Housing in Their Backyard? An Equilibrium Analysis of Low Income Property Development."

https://www.journals.uchicago.edu/doi/abs/10.1086/701354?af=R&mobile Ui=0&

"The Impact of Affordable Housing on Housing & Crime in Orange County." <u>https://cpb-us-</u> e2.wpmucdn.com/sites.uci.edu/dist/5/4337/files/2021/03/LCL-22-Impact-

e2.wpmucdn.com/sites.uci.edu/dist/5/4337/files/2021/03/LCL-22-Impact-Study.pdf.

"Does Affordable Housing Detrimentally Affect Property Values? A Review of the Literature." https://doi.org/10.1177/0885412205277069.

"Unpacking the Impacts of the Low-Income Housing Tax Credit Program on Nearby Property Values." <u>https://doi.org/10.1177/0042098015593448</u>.

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: <u>The placement of affordable housing does</u> <u>not negatively impact the surrounding community, and in many</u> <u>ways, it enhances both local property values and increases public</u> <u>safety.</u>"

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



https://bit.ly/3E4838j

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

Help set priorities and submit comments online: <u>https://alamedacoun</u> <u>ty.consider.it/</u> 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:

- September 21: Board of Supervisors Planning Meeting