

**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**



**STAFF REPORT**

**TO** Members of the Alameda County Planning Commission  
**RE** Housing Element Implementation  
**HEARING DATE** March 5, 2012

**GENERAL INFORMATION**

The Commission will consider proposed amendments to the County's Zoning Ordinance pertaining to agricultural employee housing, density bonuses, mobilehome parks, transitional and supportive housing, residential and medical care facilities, emergency shelters, and single room occupancy facilities (SROs) necessary to implement the County's Housing Element.

**STAFF RECOMMENDATION**

Staff requests that the Commission hear staff's presentation, take public comment and approve the attached resolution.

**STAFF ANALYSIS**

The Board of Supervisors adopted the 2009-2014 Housing Element on April 12, 2011. The Element was reviewed and subsequently certified by the State Department of Housing and Community Development on April 29, 2011. The Housing Element identified the need to review, and if necessary to revise, the Alameda County Zoning Ordinance to comply with Federal and State law and to successfully implement the County's Housing Element in the following areas:

- Density Bonuses and Incentives
- Supportive Housing
- Farm or Agricultural Employee Housing Facilities
- Residential Care Facilities
- Emergency Shelters
- Transitional Housing
- Manufactured Housing and Mobile Homes
- Single Room Occupancy (SRO) Units

In preparing the following amendments, staff completed the following tasks:

- Researched Federal and State law. Staff researched State and Federal housing laws to provide guidance in drafting the Ordinance amendments.
- Analyzed the County's General Plan and Reviewed Ordinances by Other Planning Departments. Staff prepared an initial draft of the Ordinance amendments based on legal research, consistency with the General Plan, and reviewing examples of similar ordinances, recently adopted by other local agencies throughout the State.

- Conducted Meetings with the Ordinance Review Advisory Committee. Staff conducted 2 meetings with the Ordinance Review Advisory Committee on January 10 and January 24, 2012.
- Consultation with Agencies and Committees. Staff has sought input from County Counsel, the Public Works Agency, the Social Services Agency, and the Housing and Community Development Department. The item was presented before the BOS-Unincorporated Services Committee on February 22, 2012, the BOS-Transportation and Planning Committee on February 16, 2012, the Castro Valley Municipal Advisory Council (CVMAC) on January 23 and February 27, 2012, and the Sunol Citizens Advisory Committee (SCAC) on January 18, 2012. Revisions recommended at these meetings that have been found consistent with state law have been incorporated into the draft under consideration at this hearing.

The Agricultural Advisory Committee (AAC) was provided with a memo from staff about proposed amendments pertaining to farmworker housing and was invited to provide comments to staff. No comments have been received from the AAC.

- Planning Commission Hearings. The Planning Commission has met on three previous occasions to discuss the implementation of the Housing Element—December 5, 2011, February 6 and February 21, 2012.

#### Facilities for Seven or More Persons in the R-1 (Single Family Residential) Zone

At the February 21, 2012 meeting of the Commission it was suggested that staff remove language regarding residential, medical care, transitional and supportive housing facilities in the R-1 (Single Family Residential) zone. While there are no statutory requirements that facilities serving seven or more persons be subject to a Conditional Use Permit, there are currently licensed and entitled facilities within the R-1 zone that serve seven or more persons. Therefore, to strike such language from the Ordinance text would make it impossible for those facilities to continue operating in their present location, and create a hardship for both their operators and residents. Based upon these considerations, staff believes that the current discretionary review process for such facilities is appropriate and that the language regarding residential, medical care, transitional and supportive housing facilities as a conditional use in the R-1 zone should remain in the amendment text.

#### Initial Study/Negative Declaration (IS/ND)

The California Environmental Quality Act (CEQA) requires that an analysis be performed when there is a project that may cause a direct or indirect change in the environment (Public Resources Code 21065). An Initial Study (IS) and Negative Declaration (ND) was prepared for the Alameda County Housing Element Update (2009-2014) which addressed potential impacts arising from adoption and subsequent implementation of the Housing Element. The County performed this analysis as required under CEQA and subsequently concluded that there will be no significant adverse environmental impacts from adopting the Ordinance amendments as there are no specific development or construction projects being proposed or permitted at this time. The ND was certified by the Board of Supervisors on March 30, 2010.

Individual projects which may (or may not) be proposed as a result of the proposed amendments will be subject to evaluation under CEQA, will be analyzed for compliance with the County's

Zoning, Building, Grading and Subdivision Ordinances, and be judged for their consistency with the County's General Plan.

**CONCLUSION**

At this time staff requests that the Planning Commission consider the proposed amendments and adopt the attached resolution.

**ATTACHMENTS**

- A. Resolution
- B. Ordinance Amendments

<b>PREPARED BY:</b>	Angela C. Robinson Piñon, Planner
<b>REVIEWED BY:</b>	Elizabeth McElligott, Assistant Planning Director

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY  
HAYWARD, CALIFORNIA**

**RESOLUTION NO. 12-XX - AT MEETING HELD MARCH 5, 2012**

**HOUSING ELEMENT IMPLEMENTATION AMENDMENTS**

**Introduced by Commissioner  
Seconded by Commissioner**

**WHEREAS** the Planning Commission did hold public hearings on the proposed Housing Element Implementation Amendments to the County Zoning Ordinance (“Amendments”) on February 6, February 21, and March 5, 2012; and

**WHEREAS** notice was given as required by law; and

**WHEREAS** this Commission did find on March 5, 2012 that the Amendments were necessary and appropriate in order to ensure that the Alameda County Zoning Ordinance (Title 17 of the General Ordinance Code) continues to comply with state housing law, and recommended these Amendments to the Board of Supervisors for approval after an appropriate process as prescribed by law; and

**WHEREAS** Planning staff did prepare an Initial Study and Negative Declaration that addressed not only the Alameda County Housing Element (2009-2014), but also its subsequent implementation; and

**WHEREAS** the Initial Study and Negative Declaration were completed pursuant to the California Environmental Quality Act (CEQA) to more closely examine the potential environmental impacts that may result from implementation of the Element; and

**WHEREAS** staff did submit this Initial Study and Negative Declaration to the Planning Commission for its consideration pursuant to CEQA, which is appropriate when a project is found to have no significant effect upon the environment; and

**WHEREAS** CEQA Guidelines Section 15074 requires certain findings to be made in order that a Negative Declaration may be adopted by the decisionmaking body, specifically “only if it finds on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration...reflects the lead agency’s independent judgment and analysis”; and

**WHEREAS** the Initial Study prepared by Planning Staff was circulated for public review as required by the CEQA for a period no less than 21 days, and whereas the public had the opportunity to comment on that document both during the review period and up to and during the public hearing by this Commission on January 19, 2010; and

**WHEREAS** this Planning Commission held a duly noticed public hearing to consider the Initial Study and Negative Declaration recommendation for the Alameda County Housing Element and its related implementation at the hour of 6:00 p.m. on Monday, the 19<sup>th</sup> day of January, 2010, in the Auditorium of the Alameda County Building, 224 W. Winton Avenue, Hayward, California; and

**WHEREAS** this Planning Commission did recommend that the Initial Study and Negative Declaration be sent to the Alameda County Board of Supervisors for review and certification; and

**WHEREAS** the Alameda County Board of Supervisors (“Board”) did consider the Negative Declaration on Tuesday, the 30<sup>th</sup> day of March, 2010, at 1221 Oak Street, Board Chambers, Oakland, California, for which notice was given as required by law and at which the Board took public testimony; and

**WHEREAS** the Board did certify that Negative Declaration that was prepared and completed in compliance with the California Environmental Quality Act, and found on the basis of the whole record before it that there is no substantial evidence that the Alameda County Housing Element Update (2009-2014) or its implementation would have a significant effect on the environment and that the Negative Declaration reflects the independent judgment and analysis of the County; and

**WHEREAS** the Amendments have thus been reviewed in accordance with the provisions of the California Environmental Quality Act; and

**WHEREAS** the Planning Commission is authorized and obligated to make recommendations to the Board of Supervisors on matters of Ordinance amendment related to planning and zoning; and

**WHEREAS** the testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

**WHEREAS** the complete record for this process is in the custody of the Alameda County Planning Department, and may be found at Room 111, 224 West Winton Avenue, Hayward, California 94544.

**NOW, THEREFORE,**

**BE IT RESOLVED** that this Planning Commission does hereby find, and recommends that the Board of Supervisors does also find, on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence in the record that the project will have a significant effect on the environment and that the Negative Declaration certified by the Board on March 30, 2010 addressed the potential impacts of the implementation of the Alameda County Housing Element (2009-2014) ; and

**BE IT RESOLVED** that this Planning Commission hereby recommends to the Board of Supervisors that the Housing Element Implementation amendments be adopted in order to ensure that the County’s Zoning Ordinance reflects state housing law.

**ADOPTED BY THE FOLLOWING VOTE:**

**AYES:**

**NOE:**

**EXCUSED:**

**ABSENT:**

**ABSTAINED:**

ALBERT LOPEZ, PLANNING DIRECTOR AND SECRETARY,  
ALAMEDA COUNTY PLANNING COMMISSION

ORDINANCE 2012-\_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 17 OF THE GENERAL ORDINANCE CODE OF THE COUNTY OF ALAMEDA ADDRESSING AGRICULTURAL EMPLOYEE HOUSING, MOBILEHOME PARKS, DENSITY BONUSES, TRANSITIONAL AND SUPPORTIVE HOUSING, RESIDENTIAL AND MEDICAL CARE FACILITIES, EMERGENCY SHELTERS AND SINGLE ROOM OCCUPANCY FACILITIES IN ORDER TO IMPLEMENT THE ALAMEDA COUNTY HOUSING ELEMENT (2009-2014) AND TO CONFORM WITH STATE LAW**

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 17.04.010 of Title 17 of the General Ordinance Code of the County of Alameda is amended reflect the following additions, revisions and deletions:

**17.04.010 – Definitions.**

“Agricultural employee” means a person engaged in agriculture, including: farming in all its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 1141j(g) of Title 12 of the United States Code), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

“Agricultural employee housing” means any living quarters or accommodations of any type, including mobilehomes, which comply with the building standards in the State Building Standards Code or an adopted local ordinance with equivalent minimum standards for building(s) used for human habitation, and buildings accessory thereto, where accommodations are provided by any person for individuals employed in farming or other agricultural activities, including such individuals’ families. The agricultural employee housing is not required to be located on the same property where the agricultural employee is employed.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

~~“Family Emergency Homeless Shelter” means a short-term residential facility adequately staffed during operating hours with minimal supportive services providing lodging and meals for up to six months to homeless families with minor children, pending attempts to find more permanent housing and referred to the shelter by partner social service agencies or similar organizations the offices of which are not located on premises of the shelter, and where no meals or other services are provided to non-residents of the shelter. Such shelters shall be located within ¼ mile of transit lines and no closer than 500 feet, measured from property line to property line, from schools, parks and day care facilities, nor closer than 1000 feet from :~~

- ~~• Alcohol outlets~~
- ~~• Medical marijuana dispensaries~~
- ~~• Other Emergency Homeless Shelters~~

~~“General Emergency Homeless Shelter” means a short-term residential facility adequately~~

~~staffed during operating hours with minimal supportive services providing lodging and meals for up to six months to homeless persons, not including families with minor children, pending attempts to find more permanent housing and referred to the shelter by partner social service agencies or similar organizations the offices of which are not located on the premises of the shelter, and where no meals or other services are provided to non-residents of the shelter. Such shelters shall be located within ¼ mile of transit lines and no closer than 1000 feet, measured from property line to property line, of the following uses:~~

- ~~• Schools~~
- ~~• Day care facilities~~
- ~~• Parks~~
- ~~• Alcohol outlets~~
- ~~• Medical marijuana dispensaries~~
- ~~• Other Emergency Homeless Shelters~~

"Medical or residential care facility" means a residential care homes as licensed by State Department of Social Services, Community Care Licensing Division. This term also includes group living quarters housing persons placed by an authorized agency for rehabilitation purposes and is funded by or licensed by or is operated under the auspices of an appropriate federal, state or county governmental agency.

"SRO (single room occupancy) facility" means a building containing six or more SRO units or guestrooms, designed for occupancy of no more than two persons, and which is intended, designed, or is used as a primary residence by guests.

"SRO (single room occupancy) unit" means a room that is used, intended or designed to be used by no more than two persons as a primary residence, but which lacks either or both a self-contained kitchen or bathroom.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the "target population", and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

"Target population" means persons with Low Income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (California Welfare and Institutions Code, section 4500 et seq.) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

"Transitional housing" and "transitional housing development" mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

## SECTION II

Section 17.06.030 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.06.030 - Permitted uses.**

The following principal uses are permitted in an A district:

- A. On a building site, one one-family dwelling or one-family mobilehome either constructed after September 15, 1971, and issued an insignia of approval by the California Department of Housing and Community Development and permanently located on a permanent foundation system, or constructed after July 15, 1976, and issued an insignia of approval by the U.S. Department of Housing and Urban Development and permanently located on a foundation system;
- B. Crop, vine or tree farm, truck garden, plant nursery, greenhouse, apiary, aviary, hatchery, horticulture;
- C. Raising or keeping of poultry, fowl, rabbits, sheep or goats or similar animals;
- D. Grazing, breeding or training of horses or cattle;
- E. Winery or olive oil mill;
- F. Fish hatcheries and rearing ponds;
- G. Public or private riding or hiking trails;
- H. One secondary dwelling unit per building site on parcels twenty-five (25) acres in size or larger that are zoned for not more than one dwelling and have one but no more than one dwelling unit on the parcel subject to the following requirements:
  - 1. The secondary dwelling unit shall be on the same building envelope as the primary unit;
  - 2. On parcels less than one hundred (100) acres, the secondary dwelling unit shall be no larger than two thousand (2,000) square feet in area; on parcels one hundred (100) acres or larger the secondary dwelling unit shall be no larger than two thousand five hundred (2,500) square feet in area;
  - 3. The secondary dwelling unit shall be subject to site development review pursuant to Section 17.54.210 et seq.; and
  - 4. The secondary dwelling unit shall be subject to and consistent with the provisions of the county policy on secondary dwelling units in agricultural and rural residential areas. Notwithstanding the requirements of Section 17.54.220.A, for secondary units on parcels that are less than one hundred (100) acres in size, the planning commission shall decide applications for site development review under this section, and a public hearing is required.
- I. Occupancy of agricultural caretaker dwelling(s) subject to a site development review as provided in Section 17.06.090, when found by the planning director to be necessary to provide housing for the agricultural caretaker and his/her family.
- J. Boarding stables and riding academies subject to the following requirements:
  - 1. The boarding stable shall be subject to site development review pursuant to Sections 17.06.090 and 17.54.210 et seq., except as follows:
    - a. The appropriate board of zoning adjustments shall decide applications for site development review under this section, and a public hearing is required.
    - b. Where the holder of an existing conditional use permit is found to be in compliance with all conditions of the existing conditional use permit, the planning director shall recommend approval of a site development review for the facility Alameda County Ordinance Code, Title 17, Zoning Ordinance with no new conditions except as allowed by the county policy for equine facilities in the A (agricultural) district, to the appropriate board of zoning adjustments.
    - c. The planning director may modify the requirements of Section 17.54.230 consistent with the provisions of the county policy of equine facilities in the A (agricultural) district; and specifically may waive the requirement that the site plan be prepared by licensed civil engineer, land surveyor, architect, landscape architect, or a registered building designer.
  - 2. The boarding stable shall be subject to and consistent with the provisions of the county policy for equine facilities in the A (agricultural) district.

3. Site development reviews under this section shall not have an expiration date. However, they shall be subject to a periodic review for compliance with conditions of approval of the site development review and with relevant county ordinances, including all water quality rules and regulations. Such reviews shall occur every five years at minimum, or as needed to ensure compliance.

4. Any changes in the scope of the boarding stable operation shall require a modification to the site development review.

5. Site development review approval under this section shall not be construed to confer upon a boarding stable any exemption from any health, nuisance, or public safety ordinances or their subsequent enforcement or confer any other unique privileges upon a stable.

K. Agricultural employee housing consisting of not more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or household subject to a site development review as described provided in Section 17.06.090 (Agricultural Districts-- Site Development Review—When Required), 17.60.100 (Agricultural Districts—Agricultural Employee Housing), and 17.54.210 (Site Development Review).

### SECTION III

Section 17.06.040 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

#### **17.06.040 - Conditional uses—Board of zoning adjustments.**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses and shall be permitted in an A district only if approved by the board of zoning adjustments, as provided in Sections 17.54.130 and 17.06.010:

- A. Outdoor recreation facility;
- B. Animal hospital, kennel;
- C. Killing and dressing of livestock, except when accessory as specified in Section 17.06.050;
- D. Public or private hunting of wildlife or fishing, and public or private hunting clubs and accessory structures;
- E. Packing house for fruit or vegetables, but not including a cannery, or a plant for food processing or freezing;
- F. Flight strip when accessory or incidental to a permitted or conditional use;
- G. Hog ranch;
- H. Drilling for and removal of oil, gas or other hydrocarbon substances;
- I. Radio and television transmission facilities;
- J. Public utility building or uses, excluding such uses as a business office, storage garage, repair shop or corporation yard;
- K. Administrative offices accessory to the principal use on the premises including activities by the same occupancy which are not related to the principal use providing such activities not so related are accessory to the administrative office activity;
- L. Administrative support and service facilities of a public regional recreation district;
- M. Privately owned wind-electric generators;
- N. Remote testing facility;
- O. Winery or olive oil mill related uses; and
- P. Agricultural employee housing for 37 or more beds in group quarters or 13 units or spaces designed for use by a single family or household.

### SECTION IV

Section 17.06.090 of Title 17 of the General Ordinance Code of the County of Alameda is

amended to read as follows:

**17.06.090 - Site development review—When required.**

Site development review pursuant to Section 17.54.210 shall be required for:

A. Every new dwelling or addition to existing dwelling exceeding five hundred (500) square feet or thirty (30) feet in height hereafter placed on a parcel in the A district;

B. Agricultural caretakers dwelling(s), when found by the planning director to be necessary to provide housing for the agricultural caretaker and his/her/their family(ies); subject to the following provisions:

1. Initial site development review shall include submittal of required applications and materials and completion of an agricultural caretaker dwelling report, signed by the property owner.

2. The agricultural caretaker dwelling report submitted under Paragraph 1 above shall include a description of the agricultural use on the site, a description of the commercial/economic viability of the agricultural use, a discussion of the personnel necessary to implement or oversee the agricultural use, and a description of the proposed agricultural dwelling and/or housing. If the agricultural use is intended primarily for private interest rather than commercial viability, or if the dwelling unit is intended for a use not otherwise related directly to commercially viable agriculture on the site, such as onsite security, the report shall provide this information.

3. Site development review approval shall normally be issued for a period of five years, except in instances where it is found by the planning director that a demonstrable need for more stringent controls (e.g., history of non-compliance with county codes, public health/safety issues, community concerns) is necessary.

4. The planning director may extend initial site development review for additional five-year periods of time at the end of each preceding five-year period, subject to review and approval, of an updated agricultural caretaker dwelling report, signed by the property owner.

5. During the effective period of the site development review, any changes relating to the information contained in the agricultural caretaker dwelling report (including changes to the dwelling unit itself, changes in maximum occupancy requirements, and/or changes in the size/nature/ scope of the agricultural use being served by the presence of the caretaker onsite) shall be reported to the planning department, and shall be subject to the same procedures and regulations as those applicable to the initial application.

6. The planning director shall have the discretion to disapprove the initial and/or subsequent site development review and agricultural caretaker dwelling report if found that compliance with the requirements and intent set forth in this title is exercised unlawfully or contrary to any condition or limitation of its issuance.

7. The planning director may, at his/her discretion, hold a public hearing regarding an initial or subsequent site development review application.

8. The approval of a site development review for an agricultural caretaker dwelling of any kind on any parcel, regardless of the existing legal building site status of the parcel, shall not be construed to establish upon that same, or any adjacent or commonly-owned parcel, building site status.

9. The agricultural caretaker dwelling is intended to remain only as long as necessary to support either onsite security or the primary agriculture use on the site, and when the need for this support terminates the dwelling must be completely removed or converted to another legal use.

10. Violations of this section shall be subject to enforcement, penalties and abatement under Chapters 17.58 and 17.59 of this title.

C. Boarding stables and riding academies subject to the provisions of Section 17.06.030J of this chapter; and

D. Agricultural employee housing subject to the provisions of Section 17.06.100 of this chapter.

## SECTION V

Section 17.06.100 of Title 17 of the General Ordinance Code of the County of Alameda is added to read as follows:

### **17.06.100 – Agricultural Districts—Agricultural employee housing.**

Agricultural employee housing is subject to site development review pursuant to Sections 17.06.060 (Agricultural Districts--Site Development Review—When Required) and 17.54.210 (Site Development Review) et seq. and to the following provisions:

A. The site development review shall include submittal of required applications and materials including an agricultural employee housing report, signed by the property owner.

B. The agricultural employee housing report submitted under Paragraph 1 above shall include the following information:

1. Entity responsible for housing maintenance and up-keep;
2. Description of whether the housing will be used on a permanent, temporary, and/or seasonal basis;
3. Total number of people to be housed on-site at any one time;
4. Description of the housing, including whether the structures will be permanent and/or temporary, intended as units for families, one person, or several persons, and cost of the units and utilities to the agricultural employees;
5. Location(s) where the agricultural employees will work;
6. There must be adequate water and sewer available to service the development, as determined by the Department of Environmental Health;
7. The housing must be located off prime and productive agricultural land, or on the parcel where no other alternatives exist on site, on the least viable portion of the parcel;
8. The development shall incorporate proper erosion and drainage controls; and
9. Parking shall be provided in accordance with Section 17.52.910 (Parking spaces required—Residential buildings).

C. Site development review approval shall normally be issued for a period of five years, except in instances where it is found by the planning director that a demonstrable need for more stringent controls (e.g., history of non-compliance with county codes, public health/safety issues, community concerns) is necessary.

D. The planning director may extend the initial site development review for additional five-year periods of time at the end of each preceding five-year period, subject to review and approval, of an updated agricultural employee housing report, signed by the property owner.

E. During the effective period of the site development review, any changes relating to the information contained in the agricultural employee housing report (including changes to the dwelling unit itself, and changes in maximum occupancy requirements) shall be reported to the planning department, and shall be subject to the same procedures and regulations as those applicable to the initial application.

F. The planning director shall have the discretion to disapprove the initial and/or subsequent site development review and agricultural employee housing report if found that compliance with the requirements and intent set forth in this title is exercised unlawfully or contrary to any condition or limitation of its issuance.

G. The planning director may, at his/her discretion, hold a public hearing regarding an initial or subsequent site development review application.

H. The approval of a site development review for an agricultural employee housing of any kind on any parcel, regardless of the existing legal building site status of the parcel, shall not be construed to establish upon that same, or any adjacent or commonly-owned parcel, building site

status.

I. Violations of this section shall be subject to enforcement, penalties and abatement under Chapters 17.58 and 17.59 of this title.

## SECTION VI

Section 17.08.030 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.08.030 - Permitted uses.**

The following principal uses are permitted in an R-1 district:

- A. One one-family dwelling;
- B. Field crop, orchard, garden;
- C. Medical or residential care facility for up to six (6) persons; and
- D. Transitional or supportive housing for up to six (6) persons.

## SECTION VII

Section 17.08.040 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.08.040 - Conditional uses.**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in an R-1 district, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. Parking lot, only when established to fulfill the residential parking requirements of this title for a use on an abutting lot or lots;
- D. Plant nursery or greenhouse used only for the cultivation and wholesale of plant materials;
- E. Medical or residential care facility for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- F. Transitional or supportive housing for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);and
- G. Mobilehome parks subject to the provisions provided in sections 17.52.1000 to 17.52.1065.

## SECTION VIII

Section 17.10.020 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.10.020 - Permitted uses.**

The following principal uses are permitted in an R-2 district:

- A. One or two one-family dwellings, or one two-family dwelling;
- B. Field crop, orchard, or garden;
- C. Medical or residential care facility for up to six (6) persons; and
- D. Transitional or supportive housing for up to six (6) persons.

## SECTION IX

Section 17.10.030 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

**17.10.030 - Conditional uses.**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in R-2 districts, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. Parking lot, subject to the same limitations as in Section 17.08.040C;
- D. Plant nursery, or greenhouse used only for the cultivation of plant materials;
- E. Medical or residential care facility for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- F. One dwelling or a dwelling group containing altogether not more than three dwelling units, where the lot has an area not less than seven thousand five hundred (7,500) square feet.;
- G. Transitional or supportive housing for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities); and
- H. Mobilehome parks subject to the provisions provided in sections 17.52.1000 to 17.52.1065.

SECTION X

Section 17.12.030 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

**17.12.030 - Permitted uses.**

The following principal uses are permitted in any R-S district:

- A. One-family dwelling, two-family dwelling, multiple dwelling or dwelling group;
- B. Field crop, orchard, garden;
- C. Medical or residential care facility for up to six (6) persons; and
- D. Transitional or supportive housing for up to six (6) persons.

SECTION XI

Section 17.12.040 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

**17.12.040 - Conditional uses—Board of zoning adjustments.**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in R-S districts, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. Parking lot, as regulated in Section 17.08.040C;
- D. Plant nursery or greenhouse used only for the cultivation of plant materials;
- E. Medical or residential care facility for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- F. Mobile home parks, as regulated by Chapter 17.52, Sections 1000-1065, of this title; and

G. Transitional and supportive housing for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities).

## SECTION XII

Section 17.14.020 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.14.020 - Permitted uses.**

The following principal uses are permitted in an R-3 district:

- A. One-family dwelling, two-family dwelling, multiple dwelling, or dwelling group, up to a total not to exceed four dwelling units;
- B. Field crop, orchard, garden;
- C. Medical or residential care facility for up to six (6) persons; and
- D. Transitional or supportive housing for up to six (6) persons.

## SECTION XIII

Section 17.14.030 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.14.030 - Conditional uses—Board of zoning adjustments.**

In addition to the uses listed for Sections 17.52.480 and 17.52.580, the following are conditional uses in R-3 districts, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. Medical or residential care facility for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- D. Plant nursery, or greenhouse used only for the cultivation of plant materials;
- E. Parking lot, as regulated in Section 17.08.040C;
- F. Transitional and supportive housing for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities); and
- G. Mobilehome parks subject to the provisions provided in sections 17.52.1000 to 17.52.1065.

## SECTION XIV

Section 17.16.020 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.16.020 - Permitted uses.**

The following principal uses are permitted in an R-4 district:

- A. All uses permitted in R-3 districts, pursuant to Section 17.14.020;
- B. Multiple dwelling or dwelling group, provided that on any building site with an area which equals or exceeds five times the area for one dwelling unit, every dwelling unit placed on such building site shall be subject to site development review pursuant to Section 17.54.210; and
- C. Emergency shelter provided in accordance with Section 17.52.1165 (Emergency Shelter-

SECTION XV

Section 17.16.030 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

**17.16.030 - Conditional uses—Board of zoning adjustments.**

In addition to the uses listed for Sections 17.52.480 and 17.52.580, the following are conditional uses in an R-4 district, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Parking lot, as regulated in Section 17.08.040C;
- C. Clubhouse;
- D. Medical or residential care facility for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- E. Boarding house;
- F. Fraternity or sorority house, accredited by an institution of higher learning;
- G. Single room occupancy facility subject to the provisions of 17.54.134 (Conditional Uses- Single Room Occupancy (SRO) Facilities);
- H. Transitional and supportive housing for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities); and
- I. Mobilehome parks subject to the provisions provided in sections 17.52.1000 to 17.52.1065.

SECTION XVI

Table 17.52.910 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

Table 17.52.910 Parking Spaces Required for Residential Buildings	
Use	Number of Spaces Required
Dwelling, including single, two-family and multiple residences, group dwellings, apartment houses, apartment hotels, and all other similar structures devoted to habitation	2 for each dwelling unit, plus 1 for each bedroom available for accommodating a paying guest
Hotel, motel, boarding house, clubhouse, fraternity or sorority, and single room occupancy facilities	2 plus 1 for each bedroom available for sorority; accommodating guests a paying guest
Medical or residential care facility, and transitional and supportive housing developments	2 plus 1 for each 6 beds for persons not related to the resident family or manager
Hospital	2 plus 1 for each 4 patient beds, (except that those patient beds designated as "long term care beds" by the State Department of Public Health may be computed 1

	per 6 patient beds) plus 1 for each staff doctor; plus 1 for each 1,000 square feet of gross floor area in the main building or buildings
Mobilehome park	2 for each mobilehome site; other provisions of this title notwithstanding, the access to one of these spaces may be within the access to the second space; plus 1 for each 10 mobilehome sites
Recreational vehicle park	1 for each recreational vehicle site located on each recreational vehicle site, plus 1 for each 15 recreational vehicle sites
Emergency shelter	3 plus 1 per each 10 individual beds.
Agricultural employee housing	1 space per unit, or 1 for each 4 beds

SECTION XVII

Section 17.52.1020 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

**17.52.1020 - Mobilehome parks—Density.**

Except as otherwise provided in a combining district or specific plan, the number of dwelling units permitted on a building site in a mobilehome park shall not exceed the number obtained by dividing the area in square feet of the building site by five thousand (5,000), disregarding any fraction.

SECTION XVIII

Section 17.52.1065 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

**17.52.1065 - Mobilehome parks—Parking.**

Pursuant to Section 17.52.910 (Parking spaces required—Residential buildings), every mobilehome site shall have two parking spaces. A mobilehome park shall also provide 1 parking space for every 10 mobilehome sites.

SECTION XIX

Section 17.52.1160 of Title 17 of the General Ordinance Code of the County of Alameda is added to read as follows:

**17.52.1160 – Standards for Emergency Shelters —Purpose.**

The purpose of this Section is to establish the development standards for Emergency Shelters

SECTION XX

Section 17.52.1165 of Title 17 of the General Ordinance Code of the County of Alameda is added to read as follows:

**17.52.1165 – Emergency Shelter —Regulations.**

Emergency Shelters shall be subject to the following regulations and development standards:

- A. An Emergency Shelter shall obtain and maintain in good standing all required licenses, permits, and approvals from County and State agencies or departments. An Emergency Shelter shall comply with all County and State health and safety requirements for food, medical, and other supportive services provided on-site;
- B. No Emergency Shelter facility shall have more than sixty (60) beds;
- C. Each resident shall be provided a minimum of fifty (50) gross square feet of personal living space, not including space for common areas;
- D. Bathing facilities shall be provided in quantity and location as required in the California Plumbing Code (Title 24 Part 5), as amended, and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2), as amended;
- E. No individual or family shall reside in an Emergency Shelter for more than 180 consecutive days;
- F. The operation of buses or vans to transport residents to or from off-site activities shall not generate vehicular traffic substantially greater than that normally generated by residential activities in the surrounding area, to the satisfaction of the Planning Director;
- G. The on-street parking demand generated by the facility due to visitors shall not be substantially greater than that normally generated by the surrounding residential activities, to the satisfaction of the Planning Director;
- H. Arrangements for delivery of goods shall be made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties;
- I. The facility's program shall not generate noise at levels that will adversely affect the livability of the surrounding properties, and shall at all times maintain compliance with the County Noise Ordinance;
- J. Onsite management shall be provided twenty-four (24) hours a day, seven (7) days per week. All facilities must provide a management plan to the satisfaction of the Planning Director that shall contain policies, maintenance plans, intake procedures, tenant rules, and security procedures;
- K. The facility is no closer than three hundred (300) feet from other emergency shelters unless findings can be made that such an additional facility would not have a negative impact upon residential activities in the surrounding area;
- L. On-site parking shall be provided in accordance with Section 17.52.910;
- M. The facilities shall provide exterior lighting in the parking lot, on building exteriors, and pedestrian accesses. All exterior lighting shall be down-cast and shall not illuminate above the horizontal. No light source shall be exposed above the horizontal, nor visible from neighboring residential use properties.
- N. Required yards shall conform with the R-4 zoning district yard requirements; and
- O. A waiting and client intake area of not less than one hundred (100) square feet shall be provided inside the main building.
- P. Violations of this section shall be subject to enforcement, penalties and abatement under Chapters 17.58 and 17.59 of this title.

## SECTION XXI

Section 17.54.133 of Title 17 of the General Ordinance Code of the County of Alameda is added to read as follows:

### **17.54.133 – Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities.**

In addition to the findings required of the Board of Zoning Adjustments under Sections 17.54.130 (Conditional Uses) and 17.54.140 (Conditional Uses--Action), a conditional use permit for any conditionally permitted residential or medical care facility, transitional housing

facility, or supportive housing facility may only be granted upon determination that the proposal conforms to all of the following additional use permit criteria:

- A. Staffing of the facility shall at all times remain in compliance with any State Licensing Agency requirements;
- B. The operation of buses or vans to transport residents to or from off-site activities shall not generate vehicular traffic substantially greater than that normally generated by residential activities in the surrounding area;
- C. The on-street parking demand generated by the facility due to visitors shall not be substantially greater than that normally generated by the surrounding residential activities;
- D. Arrangements for delivery of goods shall be made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties;
- E. That the facility's program shall not generate noise at levels that will adversely affect the livability of the surrounding properties, and shall at all times maintain compliance with the County Noise Ordinance;
- F. Onsite management shall be provided twenty-four (24) hours a day, seven days per week. Prior to operation, all facilities must provide to the Planning Director a management plan that shall contain policies, maintenance plans, rental procedures, tenant rules, and security procedures;
- G. In accordance with sections 1267.9 and 1520.5 of the California Health and Safety Code, no facility shall be closer than three hundred (300) feet from other similar activities or facilities unless findings can be made that such an additional facility would not have a negative impact upon residential activities in the surrounding area;
- H. Parking shall be provided in accordance with Section 17.52.910 (Parking Spaces required—Residential buildings);
- I. The facilities shall provide exterior lighting in the parking lot, on building exteriors, and pedestrian accesses. All exterior lighting shall be down-cast and shall not illuminate above the horizontal. No light source shall be exposed above the horizontal, nor visible from neighboring residential use properties; and
- J. Yards shall conform to the zoning requirements established for the district in which it is located.

## SECTION XXII

Section 17.54.134 of Title 17 of the General Ordinance Code of the County of Alameda is added to read as follows:

### **17.54.134 – Conditional Uses- Single Room Occupancy (SRO) Facilities.**

Single Room Occupancy Facilities shall be subject to the following regulations and development standards:

- A. Excluding the bathroom area and closet(s), the Single Room Occupancy unit must be a minimum of one hundred and fifty (150) square feet in floor area and the maximum size shall be not more than four hundred (400) square feet. Each unit shall be designed to accommodate a maximum of two people.
- B. Each Single Room Occupancy Unit must include a closet and may contain either kitchen facilities or bath facilities but not both.
- C. Complete common cooking facilities/kitchens must be provided if any unit within the SRO Facility does not have a kitchen. One complete cooking facility/kitchen shall be provided within the SRO Facility for every twenty (20) SRO units or portion thereof that do not have kitchens, or have one kitchen on any floor where SRO Units without kitchens are located.
- D. Common bathrooms must be located on any floor with any unit that does not have a full bathroom. Common bathrooms shall be either single occupant use with provisions for privacy or

multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one for every seven (7) units or fraction thereof. Each shared shower or bathtub facility shall be provided with an interior lockable door.

E. Each SRO Facility shall have at least ten (10) square feet of common usable area per unit; however no SRO facility shall provide less than two hundred (200) square feet of common outdoor area and two hundred (200) square feet of common indoor area. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space. Landscape areas that are less than eight (8) feet wide shall not be included as outdoor common space.

F. A SRO Facility with twelve (12) or more units shall provide twenty-four (24) hour on-site management, and include a dwelling unit designated for the manager. All SRO Facilities must have a management plan approved prior to occupation by the Alameda County Department of Housing and Community Development. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.

G. Single Room Occupancy Facilities shall include laundry facilities.

H. A cleaning supply storeroom and/or utility closet with at least one (1) laundry tub with hot and cold running water must be provided on each floor of the SRO Facility.

I. Parking shall be provided in accordance with Section 17.52.910.

## SECTION XXIII

Chapter 17.56 (Density Bonus) of Title 17 of the General Ordinance Code of the County of Alameda is hereby repealed.

## SECTION XXIV

Chapter 17.106 (Density Bonus) of Title 17 of the General Ordinance Code of the County of Alameda is hereby added to read as follows:

### **Chapter 17.106- DENSITY BONUS**

#### **17.106.010- Title.**

This chapter shall be called the density bonus ordinance of the county of Alameda.

#### **17.106.020 – Purpose.**

This chapter establishes policies which facilitate the development of affordable housing for very low and lower income households and senior households within the unincorporated area of Alameda County, through the provision of a density bonus, and additional financial incentives if necessary for affordability, to applicants who agree to meet the requirements established by this chapter.

#### **17.106.030 – Definitions.**

For the purposes of this chapter, certain words and phrases shall be interpreted as set forth in this section unless it is apparent from the context that a different meaning is intended.

Affordable Housing Agreement: "Affordable housing agreement" means the agreement made between the applicant and the county governing the regulation and monitoring of the affordable units.

Amenities: "Amenities" means interior amenities including, but not limited to, fireplaces, garbage disposals, dishwashers, cabinets and storage space and bathrooms in excess of one.

Applicant: "Applicant" means any person, firm, partnership, association, joint venture,

corporation, or any entity or combination of entities which seeks a density bonus or incentives or both under this chapter.

**Base Units:** "Base Units" means the number of units that would be allowed under the General Plan land use designation and zoning ordinance for the subject site before calculation of the Density Bonus.

**Child Care Facility:** "Child Care Facility" means a facility, other than a day care home, licensed by the State of California to provide non-medical care to children under 18 years of age in need of personal services, supervision or assistance on less than a 24-hour basis. "Density Bonus" means an increase in density over the otherwise maximum allowable residential density under the applicable zoning ordinance and General Plan land use designation taking into account all applicable limitations.

**Density Bonus:** "Density bonus" means an increase in density over the otherwise maximum allowable residential density under the applicable zoning ordinance and General Plan land use designation.

**Density Bonus Unit:** "Density bonus unit" means a residential dwelling unit authorized as a result of the granting of a density bonus.

**Household:** "Household" means one person living alone or two or more persons sharing a residential dwelling.

**Housing Development:** "Housing Development" means a project providing residential units including, without limitation, a subdivision, a planned unit development, multifamily dwellings, or condominium project. Housing developments consist of development of residential units or creation of unimproved residential lots and also include either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, where the result of the rehabilitation would be a net increase in available residential units.

**Incentive:** An "Incentive" may include any of the following:

1. Approval of a mixed-use development if commercial, office, industrial, or other land uses will help to offset the costs of the housing development. A mixed-use development will be approved only if the commercial, office, industrial, or other land uses are compatible with the surrounding land uses, the county general plan, and applicable specific plans;
2. Government-assisted financing, including, but not limited to, mortgage revenue bonds issued by the county;
3. A reduction in site development standards, but only if the overall quality of the development is not lessened. All developments must also meet any design guidelines codified by the county at a future date;
4. Other incentives proposed by the developer or the county which result in identifiable cost reductions, including but not limited to:
  - a. Waiver or reduction of certain county fees applicable to restricted units in a housing development,
  - b. Reduction of interior amenities,
  - c. Priority processing of a housing development which provides restricted units. Upon certification that the application is complete and eligible for priority processing, the housing development will be reviewed by the planning director in advance of all nonpriority items. The housing development review will be completed and a

recommendation will be made by the planning director whether to approve the housing development within one hundred twenty (120) days of receipt of the completed application. The planning director may give written approval to extend the one hundred twenty (120) day period.

**Lower Income Household:** "Lower income household" means a household whose gross income is eighty (80) percent or less of the Alameda County median income adjusted for household size, computed pursuant to California Health and Safety Code Section 50079.5; if the Health and Safety Code definition is amended, this definition shall be deemed to be amended to the same effect.

**Maximum Allowable Residential Density:** "Maximum allowable residential density" means the density allowed under the General Plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project. Maximum allowable residential density takes into account limitations to density pursuant to General Plan policies and Zoning Ordinance regulations.

**Median Income:** "Median income" means the median income for Alameda County, published by the United States Department of Housing and Urban Development.

**Moderate Income Household:** "Moderate Income Household" means a household, with an annual income which does not exceed the United States Department of Housing and Urban Development annual determination for moderate income households with incomes of one hundred twenty (120) percent of the Median Income, adjusted for household size.

**Qualifying Unit:** "Qualifying Unit" means a dwelling or dwellings designated for occupancy by very low, low, or moderate income households, within a housing development, which make the housing development eligible for a Density Bonus.

**Resale controls:** "Resale controls" means a resale restriction placed on restricted units by which the price of such units and/or the age or income of the purchaser will be restricted to ensure affordability and occupancy by very low or lower income households or senior households.

**Restricted Unit:** "Restricted unit" means a residential dwelling unit to be sold or rented at a price or rent affordable to a very low or lower income household, or sold or rented to a senior household.

**Senior Citizen Housing Development:** "Senior Citizen Housing Development" means a development of at least thirty-five (35) dwelling units reserved for Senior Citizen Households and as further described in California Civil Code Sections 51.3 and 51.12.

**Senior Household:** "Senior household" means as established by California Civil Code Section 51.3, a household in which at least one member is at least sixty-two (62) years of age.

**Term of Affordability:** "Term of affordability" means the time during which restricted units in a housing development must remain as restricted units.

**Unit Type:** "Unit type" means a dwelling unit with a defined floor area and a designated number of bedrooms.

**Very Low Income Household:** "Very low income household" means a household whose gross

income is fifty (50) percent or less of the Alameda County median income adjusted for household size, computed pursuant to California Health and Safety Code Section 50079.5.

**17.106.040 - Density bonus qualifications.**

In order to qualify for a density bonus and one or more incentives under this chapter, a housing development must consist of five or more dwelling units and meet one or more of the following criteria:

- A. Agrees to construct and maintain at least five (5) percent of the base units for very low income households;
- B. Agrees to construct and maintain at least ten (10) percent of the base units for lower income households;
- C. Agrees to construct and maintain at least ten (10) percent of the base units in a condominium project or planned development project dedicated to moderate income households, provided that all units in the development are offered to the public for purchase;
- D. Agrees to construct and maintain a senior citizen housing development;
- E. Converts an existing apartment or multifamily dwelling to a condominium development as described in Section 17.106.050.I (Density Bonus—Density Bonus Calculations).

**17.106.050 - Density bonus calculations.**

- A. In accordance with state law, the granting of a Density Bonus or an incentive(s) shall not be interpreted, in and of itself, to require a General Plan amendment, specific plan amendment, rezone, or other discretionary approval.
- B. An applicant must choose a Density Bonus from only one applicable affordability category of this Chapter and may not combine categories, with the exception of a Child Care Facility or land donation. The Child Care Facility or land donation may be combined with an affordable housing development for an additional Density Bonus up to a combined maximum of thirty five (35) percent.
- C. Any Density Bonus and/or Concession/Incentive awarded shall apply only to the Housing Development for which it was granted.
- D. In determining the number of density bonus units to be granted pursuant to 17.56.040 Section 17.106.040 (Density Bonus Qualifications), the maximum residential density for the site shall be multiplied by 0.20 for subsections A, B, and D of that section and 0.05 for subsection C of that section, unless a lesser number is selected by the developer.
  - 1. For each one percent increase above ten percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent.
  - 2. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent.
  - 3. For each one percent increase above ten percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by one (1) percent up to a maximum of 35 percent.
- E. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger integer.
- F. The density bonus units shall not be included when determining the number of qualifying units required for a density bonus. When calculating the required number of qualifying units, any calculations resulting in fractional units shall be rounded to the next larger integer.
- G. The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required qualifying units pursuant to Section 17.106.040 (Density bonus qualifications) above. Regardless of the number of qualifying units, no housing development may be entitled to a density bonus of more than thirty-five percent.

H. The following table summarizes this information:

**Density Bonus Summary Table**

<b>Income Group</b>	<b>Minimum % Qualifying Units</b>	<b>Bonus Granted</b>	<b>Additional Bonus for Each 1% Increase in Qualifying Units</b>	<b>% Qualifying Units Required for Maximum 35% Bonus</b>
Very Low Income	5%	20%	2.5%	11%
Low Income	10%	20%	1.5%	20%
Moderate Income (Condo or PD only)	10%	5%	1%	40%
Senior Citizen Housing Development	100%	20%	—	—

I. An applicant for an apartment conversion to a condominium project that provides at least thirty-three (33) percent of the total units of the proposed condominium project to persons and families of Low or Moderate Income, or fifteen (15) percent of the total units of the project to Lower Income households, and agrees to pay for the reasonable necessary administrative costs incurred by the County, qualify for a twenty-five (25) percent Density Bonus or other incentives of equivalent financial value. An applicant shall be ineligible for a Density Bonus or other incentives if the apartments proposed for conversion constitute a housing development for which a Density Bonus or other Incentives were previously granted under the provisions of this chapter.

**17.106.060 – Density Bonus--Eligibility and application requirements for incentives.**

A. A housing development qualifying for a density bonus is entitled to at least one incentive in addition to the density bonus. Incentives are available for qualifying housing developments as follows:

1. One incentive or concession for projects that include at least ten (10) percent of the total units for lower income households, at least five (5) percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a condominium or planned development.
2. Two incentives or concessions for projects that include at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a condominium or planned development.
3. Three incentives or concessions for projects that include at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income households, or at least thirty (30) percent for persons and families of moderate income in a condominium or planned development.

B. The appropriate authority for the housing development shall grant the incentive unless the appropriate authority makes a written finding, based upon substantial evidence, of any of the following:

1. That the incentive is not necessary in order to provide for affordable housing costs; or
2. The concession or incentive would have a specific adverse impact, as defined in California Health & Safety Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or

avoid the specific adverse impact without rendering the development unaffordable to very low, lower and moderate income households.

C. In accordance with Government Code Section 65915 (p), an applicant qualifying for a density bonus may request, inclusive of handicapped and guest parking, the following parking ratios:

1. Zero to one bedrooms: One onsite parking space
2. Two to three bedrooms: Two onsite parking spaces
3. Four or more bedrooms: Two and one-half parking spaces

These standards may be applied in addition to any other incentives for which the housing development qualifies as specified in this section. If the total number of parking spaces for the development is other than a whole number, the number shall be rounded up to the next whole number. Off-street parking spaces provided pursuant to this paragraph may be arranged in tandem and may be uncovered.

**17. 106.070 - Qualifications for restricted units.**

A. The applicant shall execute an affordable housing agreement with Alameda County, which shall be recorded and shall run with the land.

B. The affordable housing agreement shall describe household types, number, location, size and construction scheduling of restricted units and any other information required by the county to determine the applicant's compliance with the conditions.

C. Restricted units shall be constructed concurrently with or prior to the construction of nonrestricted units, shall be dispersed throughout the housing development, and shall include all unit types represented in the housing development and shall be in the same proportions as nonrestricted unit types.

**17. 106.080 - Term of affordability.**

The applicant shall agree to, and the County shall ensure, the continued availability of the Qualifying Units and other Incentives for a period of at least 30 (thirty) years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

**17. 106.090 - Requirements for rental housing developments.**

A. All restricted units shall be occupied by the household type specified in the affordable housing agreement.

B. The applicant shall be responsible for obtaining and verifying information with respect to the qualifications of prospective and current tenants, including, but not limited to, information relating to tenants' incomes, and eligibility, in a form satisfactory to the planning director. The applicant shall maintain a list of qualified applicants for the duration of the program and shall allow the planning director to inspect such information upon reasonable notice. The applicant may contract with another entity to perform these functions subject to the approval of the planning director.

C. The applicant shall submit reports annually certifying that the restricted units are occupied by the household types specified in the affordable housing agreement. The annual reports shall include the number of persons and income for each household in the restricted units.

D. If the affordable housing agreement is violated, the applicant shall pay to the county as liquidated damages the maximum sum of five thousand dollars (\$5,000.00) for each restricted unit that is in violation of the affordable housing agreement. This amount may be required for each month of violation. Any unpaid liquidated damages may be recorded as a notice of violation of the affordable housing agreement against the title of the property. In addition to the liquidated damages, if a very low income or lower income household in a restricted unit is charged a rent that exceeds the rent specified in the affordable housing agreement, the

applicant must pay to the tenant the difference in the rent charged and the allowable rent for the months that the tenant was overcharged. If a restricted unit is rented to a household with an income exceeding that specified in the affordable housing agreement, in lieu of the liquidated damages mentioned above, the first vacant nonrestricted unit must be made a restricted unit and rented to a household that qualifies under the affordable housing agreement.

**17. 106.100 - Requirements for owner-occupied housing.**

A. The home buyer shall verify on a form provided by the planning director that the restricted unit being purchased is for use as the buyer's principal residence and that the buyer is either a lower income household, very low income household or a senior household. If the restricted unit ceases to function as the owner's principal residence, it shall be sold according to the requirements of the resale controls. If evidence is presented to the planning director that the owner is unable to continuously occupy the restricted unit because of illness or incapacity, the planning director may approve rental of the restricted unit to a very low income household, lower income household, or moderate income household.

B. The resale controls will place limits on the resale price of a restricted unit and on the income of the new buyer. The resale price of a restricted unit will be limited to the original price of the restricted unit, plus a factor of appreciation equal to the annual increase in the median income, plus the appraised value, at time of sale, of any documented capital improvements. In addition, when an owner sells a restricted unit, the sale must be to a very low income household, lower income household, or moderate income household.

C. Resale controls shall be recorded as part of the declaration of covenants, conditions, and restrictions on the restricted unit. The resale controls will remain in effect for the term of affordability.

D. The following transfers of title or any interest therein are not subject to the provisions of this section, provided, however, that the resale controls shall continue to run with the land following such transfers: transfers by gift, devise, or intestate succession to the owner's spouse or children, and transfers of title to a spouse as part of a dissolution of marriage proceeding or in conjunction with marriage.

**17. 106.110 - Application procedure.**

A. An applicant may submit to the planning director a preliminary proposal for a housing development pursuant to this chapter prior to the submittal of any formal housing development application. The planning director shall, within ninety (90) days of receiving a preliminary proposal, provide the applicant a written preliminary evaluation of the housing development.

B. In addition to the county's usual development requirements, formal application for a housing development under this chapter shall include the following information:

1. A written statement specifying the desired density increase, incentive requested, and the number, type, location, size and construction schedule of all dwelling units;

2. If necessary for the planning director to evaluate the financial need for additional incentives, the applicant shall submit a report that contains housing development costs and revenues, including but not limited to land, construction, and financing costs, and revenues from restricted units, unrestricted units, and density bonus units. Such other information as the planning director needs to evaluate the housing development may be requested by the planning director. The planning director may retain a consultant to review the financial report. The cost of the consultant shall be borne by the applicant; and

3. Any other information requested by the planning director to implement this chapter.

C. Housing developments that meet the requirements set forth in Section 17.106.040 (Density bonus qualifications) above shall qualify for a density bonus and at least one incentive, unless the planning director adopts a written finding that the incentive is not required to achieve the economic feasibility of the restricted units. The planning director may also provide an incentive

in place of a density bonus that is of equivalent value to the density bonus. Such incentive shall be calculated in a manner determined by the planning director.

**17.106.120 – Density Bonus--Child Care Facilities.**

A. When an applicant proposes a housing development that is eligible for a density bonus under this chapter and includes a child care facility on the premises or adjacent to the housing development, the applicant shall receive an additional density bonus that is in an amount of square feet of residential space that is equal to the square footage of the child care facility; or the applicant may receive another incentive that contributes significantly to the economic feasibility of the construction of the child care facility, provided that, in both cases, the following conditions are incorporated in the conditions of approval for the housing development:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the restricted units are required to remain affordable pursuant to the terms of the affordable housing agreement executed between the County and the developer.
2. Attendance of children at the child care facility shall have an equal or greater percentage of children from very low, low, and moderate income households than the percentage of affordable units in the housing development.

B. The County may deny the request for a density bonus or incentive for a child care facility if the county finds, based upon substantial evidence, that the community has adequate child care facilities without the facilities being considered as part of the subject housing development.

**17.106.130 - Density Bonus--Donation of land.**

A. When an applicant for a tentative subdivision map, parcel map or other residential development donates land to the County, the applicant shall be entitled to a density bonus above the maximum allowable residential density, up to a maximum of thirty five (35) percent depending on the amount of land donated. The amount of density bonus shall be based upon the number of permittable units consistent with Section 17.106.050(H). This increase shall be in addition to any increase in density permitted by this chapter up to a maximum combined density increase of 35 percent. A density bonus for donation of land shall only be considered if all of the following conditions are met:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in the amount not less than ten percent (10%) of the residential units in the proposed development.
3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 (forty) units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is, or will be, served by adequate public facilities and infrastructure (such as waste water treatment facilities and public transit). The transferred land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income units on the transferred land, except that the County may subject the proposed development to subsequent design review if the design is not reviewed by the County prior to the time of transfer.
4. The transferred land and the units constructed on said land shall be subject to a deed restriction ensuring continued affordability of the units for a period of at least thirty (30) years and subject to restrictions consistent with California Government Code Section 65915 (c)(1)

and (2), as may be periodically amended.

5. The land is transferred to the County or to a housing developer approved by the County.

6. The transferred land shall be within the boundary of the proposed development or, if the County determines appropriate, be located within the same General Plan area as the proposed development.

**17. 106.140 - Administration and fees.**

A. At the discretion of the planning director, the county may contract with another entity to administer the rental and sales provisions of this chapter.

B. The planning director shall establish the amount of fees to be charged to applicants for administration of this chapter at the cost of staff time attributable to such administration. These fees may be waived or reduced as specified in Section 17.106.030 (Definitions) under subsection (4)(a) of the definition of "incentive" .

C. The planning director shall be responsible for monitoring the resale of restricted units.

D. The planning director shall adopt regulations and forms necessary to implement and interpret the provisions of this chapter.

SECTION XXV

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, \_\_\_\_\_, 2012 by the following called vote:

AYES:

NOES:

EXCUSED:

\_\_\_\_\_  
NATE MILEY  
President of the Board of Supervisors  
County of Alameda, State of California

ATTEST: CRYSTAL K. HISHIDA GRAFF,  
Clerk of the Board of Supervisors, County of Alameda

By \_\_\_\_\_

Approved as to Form:  
DONNA ZIEGLER, County Counsel

By \_\_\_\_\_  
BRIAN WASHINGTON  
Chief Assistant County Counsel