

**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**



**STAFF REPORT**

**TO** Members of the Alameda County Planning Commission  
**RE** Housing Element Implementation  
**HEARING DATE** December 5, 2011

**GENERAL INFORMATION**

The following is an overview of the 2009 Housing Element Implementation process.

**STAFF RECOMMENDATION**

Staff requests that the Commission hear the staff presentation and provide comments on the Housing Element Implementation process.

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

It is anticipated that the preparation of the Ordinance amendments necessary to implement the 2009-2014 Housing Element will involve the following steps and consultations:

- Research Federal and State law. Staff will research State and Federal housing laws to provide guidance and the legal basis for the Ordinance amendments.
- Alameda County General Plan / Examples of Ordinances by Other Planning Departments. Staff will prepare 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.

- *Meetings with the Ordinance Review Committee.* Staff will work with the Ordinance Review Committee to revise the initial drafts of the Ordinance amendments. It is anticipated that these meetings will begin in January of 2012. As part of the 2003 Housing Element, the Board of Supervisors authorized formation of an Ordinance Review Committee to act as an advisory panel to the Planning Department in revising and updating the County Zoning Ordinance. The 2009-2014 Housing Element also makes reference to the Ordinance Review Committee and enlists their involvement in the development of amendments to the County's Zoning Ordinance.
- *Consultation with Agencies and Committees.* In the preparation of the draft Ordinance amendments, staff will seek input from County Counsel, the Public Works Agency, the Social Services Agency, the Housing and Community Development Department, the Unincorporated Services Committee, Agricultural Advisory Committee, the Castro Valley Municipal Advisory Council (CV MAC), and the Sunol Citizens Advisory Committee (SCAC).
- *Planning Commission Hearings.* Planning Commission hearings will be scheduled in 2012. The hearings will provide the opportunity for additional public input and will allow the Commission to review the draft amendments, suggest revisions, and make a formal action to move the amendments to the Board of Supervisors for approval.

## CONCLUSION

At this time staff requests that the Planning Commission provide feedback on the proposed Housing Element Implementation process. It is preferred that the Ordinance amendments be pursued as a group rather than individually as they are related to the Housing Element; however, it must be noted that some changes are time sensitive and may require more immediate action. Per Senate Bill 2 (Cedillo, 2007), local jurisdictions must amend their Zoning Ordinances to permit emergency shelters by right in at least one zoning district within one year of the adoption of their Housing Elements. As a result, Alameda County's amendments must be adopted by the Board no later than April 2012. The draft amendments will be submitted to the Planning Commission for approval as soon as possible. Following approval by the Planning Commission, The Board of Supervisors will consider the amendments.

## ATTACHMENTS

- [California Department of Housing and Community Development, Technical Assistance Bulletin-Senate Bill 2](#)
- Excerpts from the Alameda County Housing Element (2009-2014)

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## **Excerpted from Chapter II-Housing Constraints**

### *Transitional and Supportive Housing*

Transitional and supportive housing includes an array of on-site services to help residents gain the independent living skills necessary to transition to permanent housing. Transitional housing provides for stays for up to two years depending upon the individuals' needs.

Under Senate Bill 2 (Cedillo), local jurisdictions must identify sites for supportive transitional and permanent housing and subject them to the same permitting procedures as other housing within the zone without any undue special regulatory requirements. Appropriate sites for supportive and transitional housing should be near existing services and facilities. The County must revise its Zoning Ordinance so that supportive and transitional housing is allowed in specified districts.

For facilities are developed in a manner similar to multifamily housing, it is recommended that the Zoning Ordinance be amended to allow transitional housing as a permitted use in multifamily districts. Where such facilities are operated similar to residential care facilities, it is recommended that the County draft standards regulating their operation.

### *Farmworker Housing*

Housing for farmworkers is a permitted use in all Agricultural (A) Districts. However, creation and occupancy of these dwellings are subject to a site development review. The County is currently updating its Zoning Ordinance to ensure consistency with State law on agricultural employee housing. This has been included as a part of the County's programs to address constraints on the development of housing.

### *Manufactured Housing*

Manufactured housing is a type of housing that is generally constructed in a factory and is later transported to a site for use. According to HUD, manufactured housing is a dwelling built entirely in a protected environment under as prescribed by Federal law. The term "mobile home" describes factory-built homes produced prior to the revisions to Federal housing law in 1976.

The terms manufactured home and mobile home are defined within the County's Zoning Ordinance; however, there are no standards regarding their use as single-family dwellings outside of mobile home parks. Manufactured homes meeting the State Uniform Housing Code and Installed on a permanent foundation are considered regular single-family homes and are permitted where single-family homes are permitted. With the exception of design requirements, a jurisdiction can only subject the manufactured home and the lot on which it is placed to the same development standards which are required for a conventional single-family residential dwelling. Thus, the County will need to review the Zoning Ordinance to ensure consistency with State law. This is addressed in the programs section of the Housing Element.

### *Emergency Shelters*

According to Government Code Section 65583(a)(4), every locality must identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones must include sufficient capacity to accommodate the need for emergency shelter as identified in the housing element, except that all local governments must identify a zone or zones to accommodate at least one year-round

shelter. Under Section 50801 (e) of the California Health and Safety Code, emergency shelters are defined as housing with minimal supportive services for residents, where occupancy is limited to six or fewer months. In accordance with these requirements, the County must amend its Zoning Ordinance to allow emergency shelters to locate by right in one of the residential zoning districts within one year of the adoption of the Housing Element.

Currently the County's Zoning Ordinance conditionally permits emergency shelters in its R-4 zone. Pursuant to State law, the County will amend its Zoning Ordinance within one year of adoption of the Housing Element to permit homeless shelters by right without a discretionary approval process within the R-4 zoning district. The County has already identified several R-4 sites in its Sites Inventory. These sites are appropriate for emergency shelters as they are located in urbanized areas where there is convenient access to transportation and services. Also, as a part of the County's ongoing Ordinance review, it will establish performance standards regulating the operation of emergency shelters.

In the Chapter I- Housing Needs Assessment section "Homeless Persons and Families" there is an identified unmet need for 5 emergency shelter beds in the Unincorporated County. This number of shelter beds could easily be accommodated in the current R-4 district zoning. There are twelve parcels within R-4 districts, comprising 6.68 acres, which are listed on the County's Site Inventory that may be used for this purpose.

#### *Secondary Units*

Assembly Bill 1866 requires that localities amend their Zoning Ordinance to permit secondary units in all residentially zoned areas. The government may specify minimum requirements for secondary units, but excessively prohibit their development. As a part of the County's Housing Plan, the County will review its Secondary Units policy to ensure consistency with State law.

#### *Single Room Occupancy (SRO) Units*

The County's Zoning Ordinance does not contain specific provisions for SRO units. However, when operated as group quarters, it is permitted or conditionally permitted depending on the number of persons housed in the facility. If the SRO units are operated as apartment dwellings, it is either permitted or conditionally permitted depending upon the zoning of the parcel. The Ordinance Review Committee will draft standards relating to SRO's as a part of the County's programs.

### **Excerpted from Chapter IV-Housing Plan**

#### Ordinance Review Committee

The County regulates the type, location, density, and scale of residential development in the unincorporated areas primarily through the Zoning Ordinance. Zoning regulations are designed to protect and promote the health, safety, and general welfare of residents as well as implement the policies of the County General Plan. The County is engaged in an ongoing process of reviewing the Zoning Ordinance for consistency with State laws. For this purpose Alameda County has established an Ordinance Review Committee. The goal of this review is to ensure that the County's requirements and standards do not act as a constraint to the development of affordable housing. The County will review the following policies in order to mitigate potential constraints to housing and to ensure consistency with State law:

- Create standards for Single Room Occupancy (SRO) units, supportive housing, emergency shelters and transitional housing per Senate Bill 2 (Cedillo) and Assembly Bill 2634 (Lieber)
- Draft reasonable accommodation procedures compatible with fair housing laws, State Housing Element law, and the Health and Safety Code
- Evaluate the County’s Ordinance with respect to Secondary Units and amend it as necessary for consistency with State law
- Review provisions for agricultural caretaker housing to be consistent with the Health and Safety Code, Employee Housing Act, and Housing Element law
- Amend the density bonus ordinance to reflect changes in State law
- Review provisions related to manufactured housing
- Evaluate the Park Dedication fee structure to ensure that it does not pose a constraint to the development of affordable housing.
- Review height and parking requirements and revise as appropriate

Objectives:

- Periodically review proposed changes to the Alameda County Zoning Ordinance to ensure consistency with the Housing Element law and State and Federal fair housing laws.
- Ensure that County regulations do not unnecessarily constrain housing development
- Coordinate efforts with other County agencies as needed

Timeframe: Ongoing  
 Responsible Agency: CDA-Planning  
 Funding Source: General Fund

Density Bonus Program

State law requires cities and counties to approve density bonuses for housing developments that contain specified percentages of units affordable to very low- or low-income households or units restricted to occupancy by seniors. Under state law (California Government Code, Section 65915–65918), housing developers may qualify for several types of density bonuses—up to 35 percent—based on the percentage housing units in a development affordable to very low-income, low-income, moderate-income, or senior households. Density bonus units must be restricted to occupancy by seniors or affordable to the targeted income for at least 30 years. Depending on the percentage of affordable units and the income level(s) to which the units are affordable, jurisdictions must also grant “concessions” (additional incentives) in addition to a density bonus. Under the basic requirements, jurisdictions must provide one concession. If a higher percentage of affordable units is provided (or if deeper affordability is provided), a new development can be provided with two to three concessions.

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

- 10% of the total units are designated as restricted units for very low income households; or
- 20% of the total units are designated as restricted units for lower income households; or
- 50% of the total units are designated as restricted units for senior households.

In addition to an increase in density, the County's Density Bonus Ordinance provides a variety of incentives. An applicant is eligible for one or more incentives, depending upon the amount of affordable units that set aside. 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.
2. Government-assisted financing, including, but not limited to, mortgage revenue bonds issued by the county;
3. A reduction in site development standards
4. Other incentives proposed by the developer or the County which result in identifiable cost reductions, including but not limited to:
  - Waiver or reduction of certain county fees applicable to restricted units in a housing development,
  - Reduction of interior amenities,
  - Priority processing of a housing development which provides restricted units.

Objectives:

- Revise Chapter 17.56 of the Municipal Code, which contains the County's density bonus requirements, to reflect current density bonus law.
- Create brochures and other materials necessary to promote the County's Density Bonus Program to developers.

Timeframe: 2010  
Responsible Agency: CDA-Planning  
Funding Source: General Fund

Secondary Units

Objectives:

- Promote the Secondary Unit Program to increase public awareness
- Review applications for secondary units
- Periodically review the Zoning Ordinance to maintain consistency with State law.

Timeframe: Ongoing  
Responsible Agency: CDA-Planning, Public Works Administration (PWA)-Building Inspections Division (BID)  
Funding Source: General Fund, Permit Fees