

Update on the Draft Housing Element

Eden Area, Castro Valley, and Fairview
Municipal Advisory Councils

March 21, 2024



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Housing Element Update Process

The Housing Element is a state-mandated process where local jurisdictions are required to designate possible sites for future housing and programs to support the construction of additional housing.

State law requires each local jurisdiction to revise its Housing Element every eight years.

All cities and counties within a region must update their housing elements on the same eight-year cycle.

Regional preparation for the 2023-2031 Housing Elements began in 2021

Alameda County began preparation in Fall of 2021.

Staff published the first draft in September 2023 and received comments from the state in January 2024

Staff anticipate submitting a second draft in April 2024.

Required Components of Housing Element

- Assess Housing Need
 - Existing
 - Projected – Regional Housing Needs Allocation (RHNA)
 - Populations with Special Needs
- Policies and programs required to fulfill identified need and address issues
- Site Inventory & Analysis
- Governmental & Non-governmental Constraints
- Evaluate existing Housing Element policies & programs
- Affirmatively Further Fair Housing
- Community Engagement

Comments from State HCD & Staff responses

Comment	Staff response
Describe efforts to combat the gap in fair housing enforcement and outreach services and add or modify programs, as appropriate (p3)	Planning staff are coordinating with County HCD staff to ensure there is no gap in fair housing services.
Discuss the differences between racially concentrated areas of affluence (RCAAs) and racially or ethnically concentrated areas of poverty (R/ECAPs), especially differences in zoning (pg3)	Staff are further analyzing these areas and will add to policies and programs accordingly.
Further analyze education, economic, transportation and environmental components of the Tax Credit Allocation Committee's opportunity scores (pg3-4)	Staff are further analyzing these topics and will add to policies and programs accordingly.
Further analyze how development at sites inventory sites will impact existing socio-economic patterns. Will development improve the quality of life for existing neighbors or exacerbate displacement? (pg4)	Staff will conduct a new analysis based on the new sites inventory and commit to policies and programs to improve exiting conditions for current and future residents, including reference to the Environmental Justice (EJ) Element.

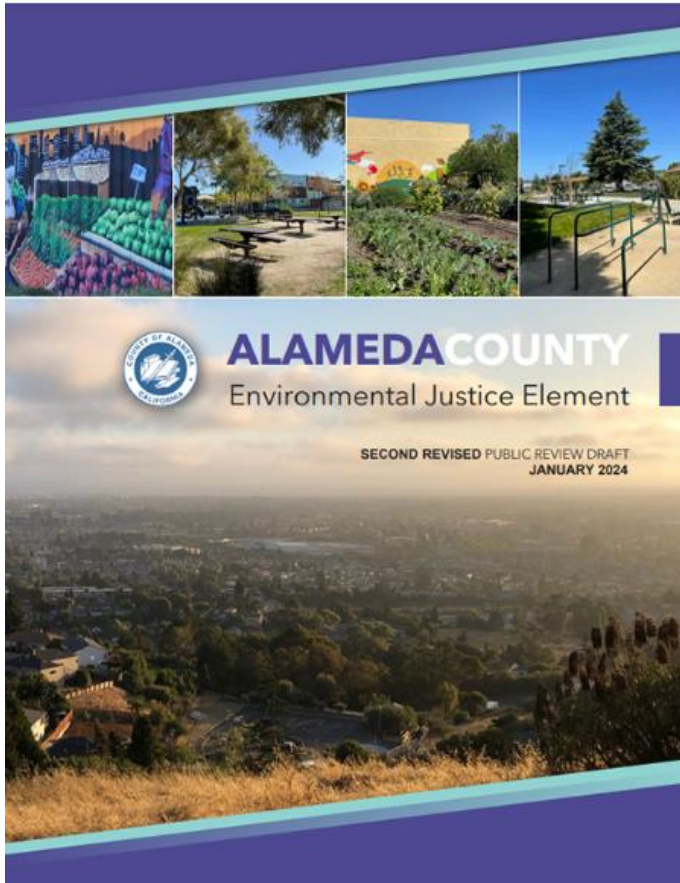
Comments from State HCD & Staff responses

Comment	Staff response
Add additional programs to meet Affirmatively Furthering Fair Housing (AFFH) requirements and affect meaningful change.	After updating the AFFH analysis based on the updated sites inventory, staff and consultants will add additional programs based on the analysis, including reference to the EJ Element.
Add programs to increase tenant protections, housing mobility through expanding housing choices in lower-density areas of the County, and new housing opportunities in relatively higher income or higher resourced communities.	Staff and consultants are adding programs reflecting the tenant protections proposed by Supervisor Miley. Staff are proposing increasing densities on vacant residential lots in parts of Castro Valley and Fairview to enable additional construction.
Further explain how many possible housing units could fit in sites in the sites inventory, including commercial or mixed-use sites	Staff are adding descriptions of the Housing Element Overlay and the history of developments in the unincorporated area.
Further explain how possible redevelopment is	Staff are adding descriptions of the Housing Element Overlay, further discussing local market trends, and further describing why sites are likely to redevelop.

Comments from State HCD & Staff responses

Comment	Staff response
Continue to engage the community	Staff will continue to engage with residents about the Housing Element process.
Further analyze development permit procedures to minimize constraints (pg7)	Staff and consultants are further describing the Site Development Review process, other development processes, and the Baker Tilly Report findings. Staff and consultants will add additional programs to minimize governmental constraints to development.
A variety of program changes, including earlier timelines, discrete timing, concrete commitments, changes to county reasonable accommodations policies, changes to zoning requirements around emergency shelters, permanent and transitional supportive housing, ADU programs, and others (pg8-10).	Staff and consultants are working to update programs listed in the main body of the Housing Element to comply with necessary changes, to speed up timelines, and to quantify more concrete commitments. This includes reflecting commitments made in the EJ Element.

The Draft Environmental Justice Element



Anticipated adoption by the BOS in June of this year

Commits the county to pursuing a variety of improvements in the Unincorporated areas including increasing access to public parks, improving communication and community engagement practices, and pursuing policies to decrease traffic violence and air pollution.

Housing Element Overlay

- Goal: create an overlay combining district to facilitate housing production in the sites inventory
- Applies to all sites in inventory not currently under development
- Permit streamlining at all density levels/all income levels
- The Administrative Modification: specific development standards such as building height, setbacks, open space, landscaping, and parking requirements can be altered to meet the projected number of units on a given site
- Will mitigate future need for additional rezonings to comply with the No Net Loss Rule.



Sites Inventory

- State law requires each city and county to demonstrate that zoning & general plan designations allow enough housing development capacity to accommodate Regional Housing Needs Assessment (RHNA).
- Inventory sites have been identified in every Unincorporated Community.
- Alameda County does not construct housing; property owners decide whether to develop their properties.
- Applications for housing developments still need to go through an approval process.
- As required by State HCD, assigning properties to an income category is generally based on density, assuming higher density units will be more affordable.

Unincorporated Alameda County Residential Housing Need Assessment (RHNA) Allocation

Housing Element Cycle	Very Low Income (<50% of Area Median Income)	Low Income (50-80% of Area Median Income)	Moderate Income (80-120% of Area Median Income)	Above Moderate Income (>120% of Area Median Income)	Total Required Units
2015-2023	430 units	227 units	295 units	817 units	1,769
2023-2031	1,251 units	721 units	763 units	1,976 units	4,711
% Increase	191%	218%	159%	142%	166%

Sites Inventory by community

Communities	Total Housing Units		Above Moderate Income Units (<20 units/acre)		Moderate Income Units (20-30 units/acre)		Low and Very Low Income Units (>30 units/acre)		Units Currently Under Development		Units in Sites Proposed for Rezoning	
	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%
<i>Eden Area</i>	2,191	45.5%	703	33.2%	467	55.9%	1,019	54.8%	334	37.2%	1,463	47.1%
<i>Ashland</i>	1,276	26.5%	295	13.9%	285	34.1%	696	37.4%	150	16.7%	900	29.0%
<i>Cherryland</i>	248	5.2%	57	2.7%	89	10.6%	100	5.4%	19	2.1%	130	4.2%
<i>Hayward Acres</i>	38	0.8%	13	0.6%	24	2.9%	1	0.1%	13	1.4%	18	0.6%
<i>San Lorenzo</i>	629	13.1%	338	16.0%	69	8.3%	222	11.9%	152	16.9%	415	13.4%
<i>Castro Valley</i>	1,875	38.9%	722	34.1%	351	42.0%	802	43.1%	318	35.5%	1,249	40.2%
<i>Fairview</i>	544	11.3%	494	23.3%	15	1.8%	35	1.9%	41	4.6%	395	12.7%
<i>East County</i>	204	4.2%	197	9.3%	3	0.4%	4	0.2%	204	22.7%	-	-
<i>Total</i>	4,814	100%	2,116	100%	836	100%	1,860	100%	897	100%	3,107	100%

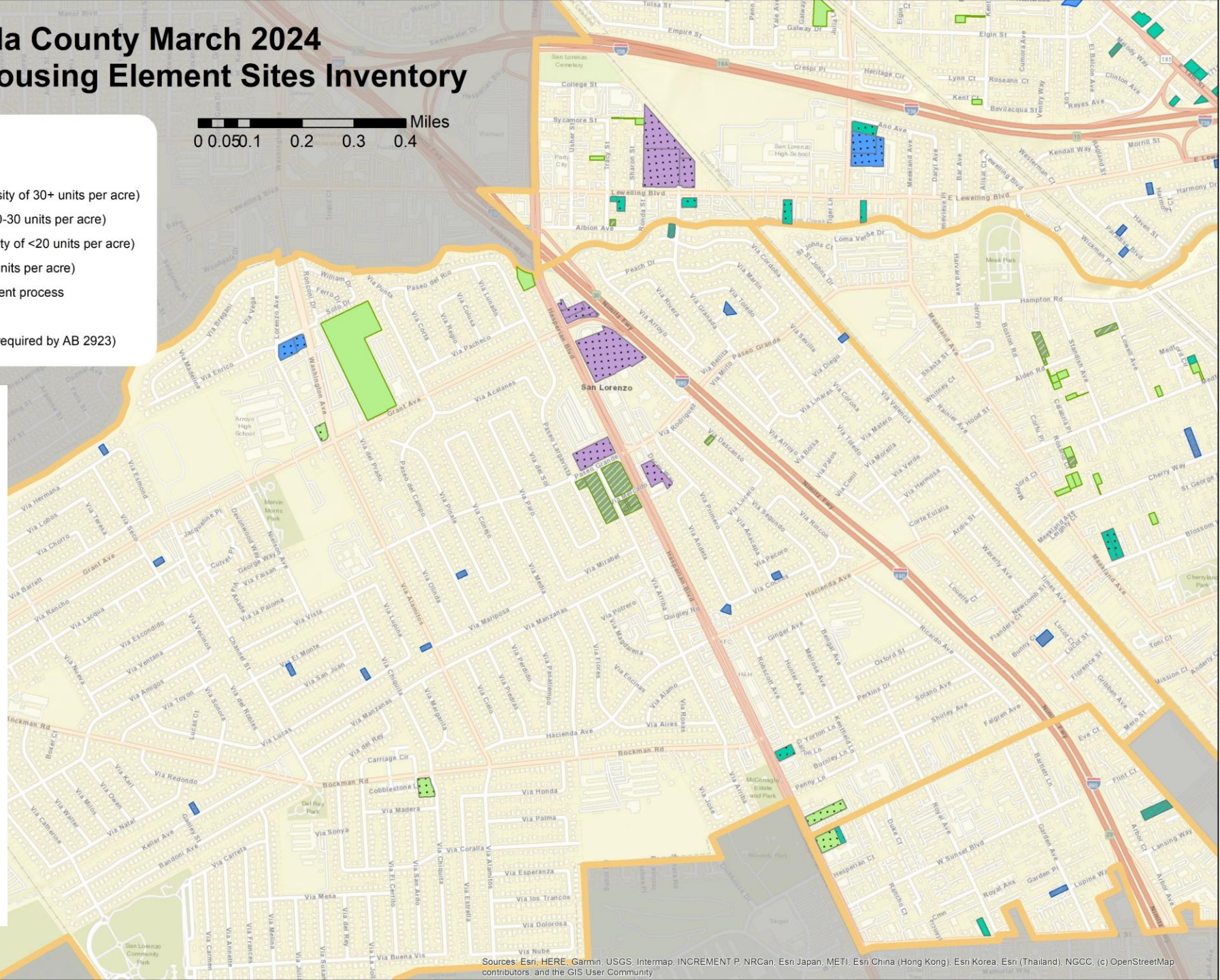
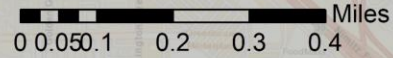


Alameda County March 2024 Draft Housing Element Sites Inventory

Legend

Sites by income category

- Low and very low income (density of 30+ units per acre)
- Moderate income (density of 20-30 units per acre)
- Above moderate income (density of <20 units per acre)
- Mixed income (density of 30+ units per acre)
- Sites currently in the development process
- Sites to be rezoned
- Castro Valley BART (rezoning required by AB 2923)



San Lorenzo: 629 total units

- 53.7% Above moderate
- 11.0% Moderate
- 35.3% Low/Very Low
- 66.0% on rezone sites

Hayward Acres: 38 total units

- 34.2% Above moderate
- 63.2% Moderate
- 2.6% Low/Very Low
- 47.4% on rezone sites

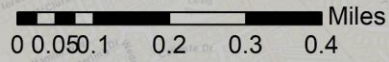


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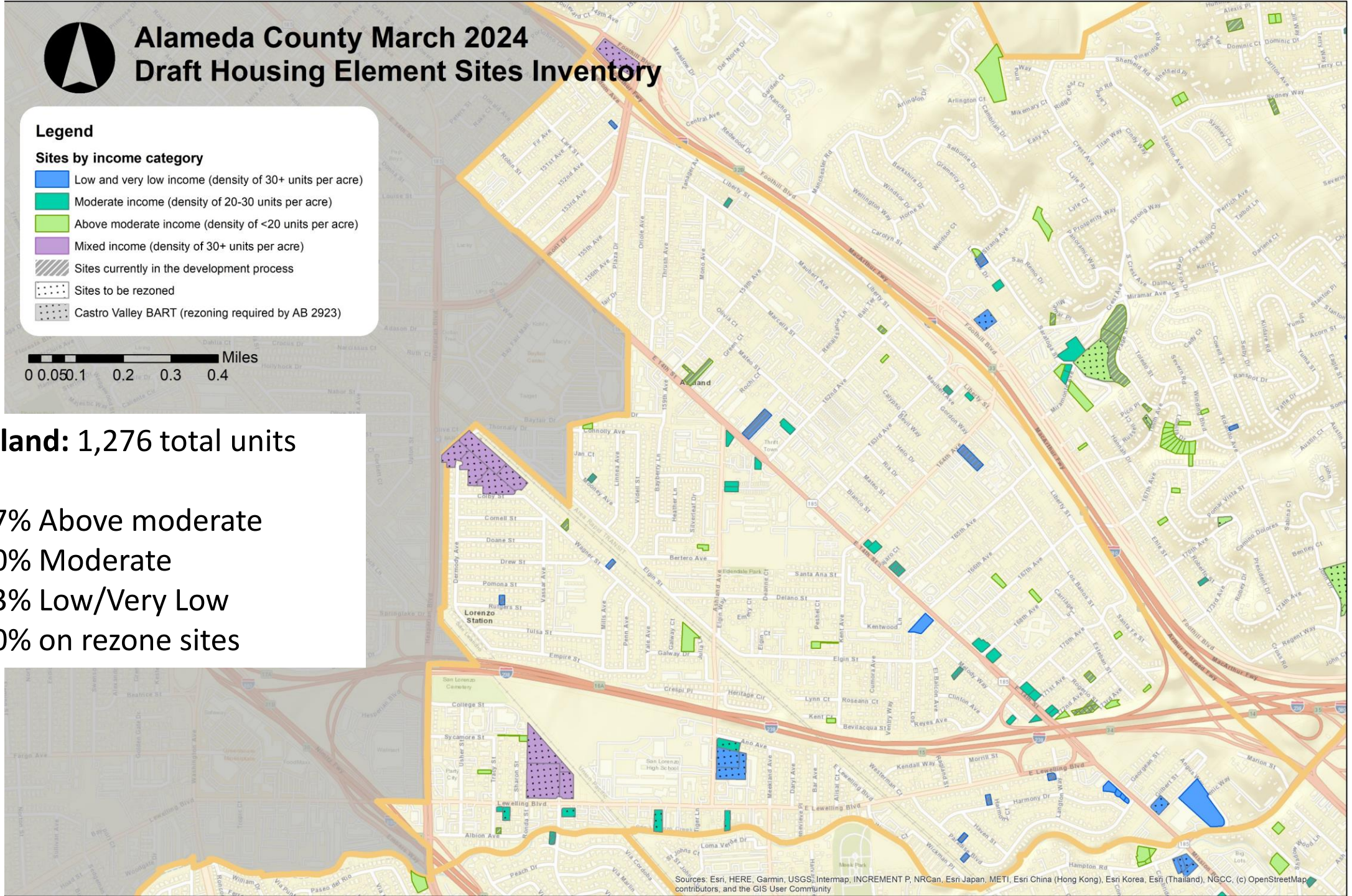
Ashland: 1,276 total units

53.7% Above moderate

11.0% Moderate

35.3% Low/Very Low

66.0% on rezone sites





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Cherryland: 248 total units

23.0% Above moderate

22.3% Moderate

54.5% Low/Very Low

52.4% on rezone sites



Alameda County March 2024 Draft Housing Element Sites Inventory

Castro Valley: 1,875 total units

38.5% Above moderate

18.7% Moderate








42.8% Low/Very Low

66.6% on rezone sites

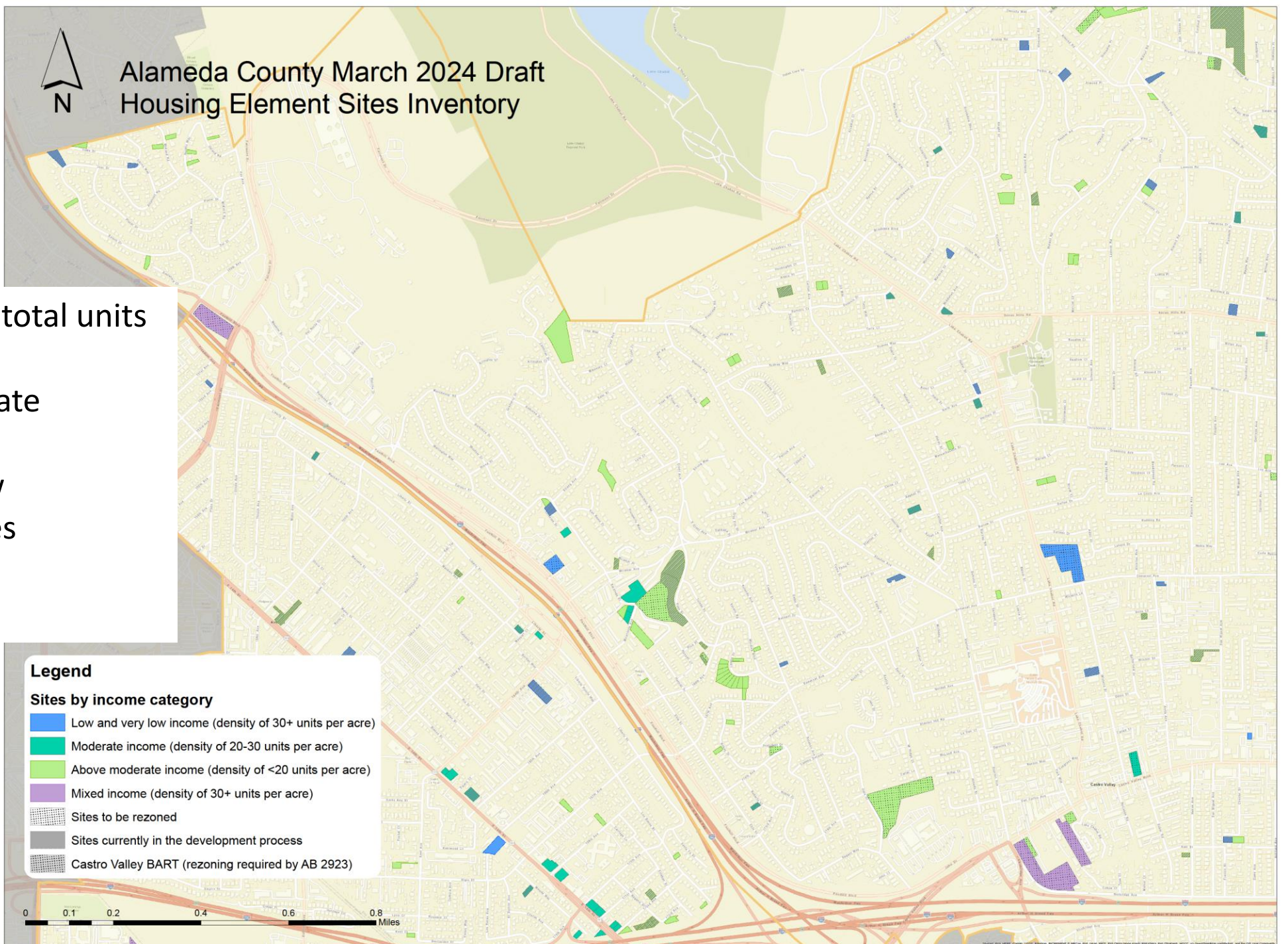
17.0% currently in
development

Legend

Sites by income category

-  Low and very low income (density of 30+ units per acre)
-  Moderate income (density of 20-30 units per acre)
-  Above moderate income (density of <20 units per acre)
-  Mixed income (density of 30+ units per acre)
-  Sites to be rezoned
-  Sites currently in the development process
-  Castro Valley BART (rezoning required by AB 2923)

0 0.1 0.2 0.4 0.6 0.8 Miles





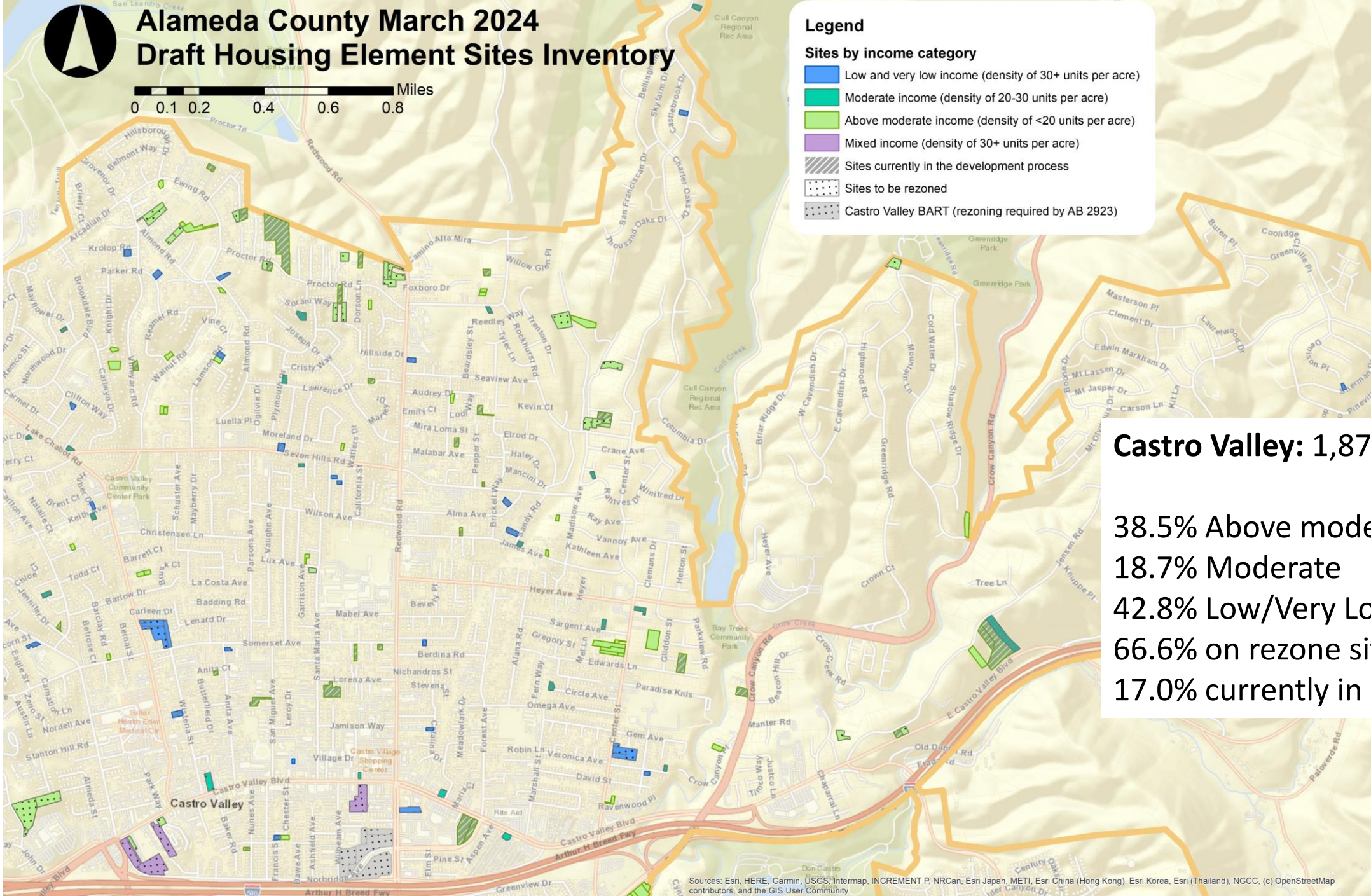
Alameda County March 2024 Draft Housing Element Sites Inventory



Legend

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- Moderate income (density of 20-30 units per acre)
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- Mixed income (density of 30+ units per acre)
- Sites currently in the development process
- Sites to be rezoned
- Castro Valley BART (rezoning required by AB 2923)



Castro Valley: 1,875 total units

38.5% Above moderate

18.7% Moderate

42.8% Low/Very Low

66.6% on rezone sites

17.0% currently in development

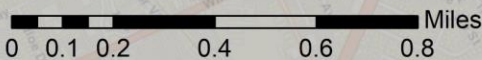
Castro Valley Business District:
 507 total units
 41.8% Above moderate
 18.1% Moderate
 40.0% Low/Very Low
 82.2% on rezone sites
 14.4% currently developing

Alameda County March 2024 Draft Housing Element Sites Inventory

Legend

Sites by income category

- Low and very low income (density of 30+ units per acre)
- Moderate income (density of 20-30 units per acre)
- Above moderate income (density of <20 units per acre)
- Mixed income (density of 30+ units per acre)
- Sites currently in the development process
- Sites to be rezoned
- Castro Valley BART (rezoning required by AB 2923)



Fairview: 544 total units
 90.8% Above moderate
 2.8% Moderate
 6.4% Low/Very Low
 72.6% on rezone sites

Alameda County March 2024 Draft Housing Element Sites Inventory



Legend

Sites by income category

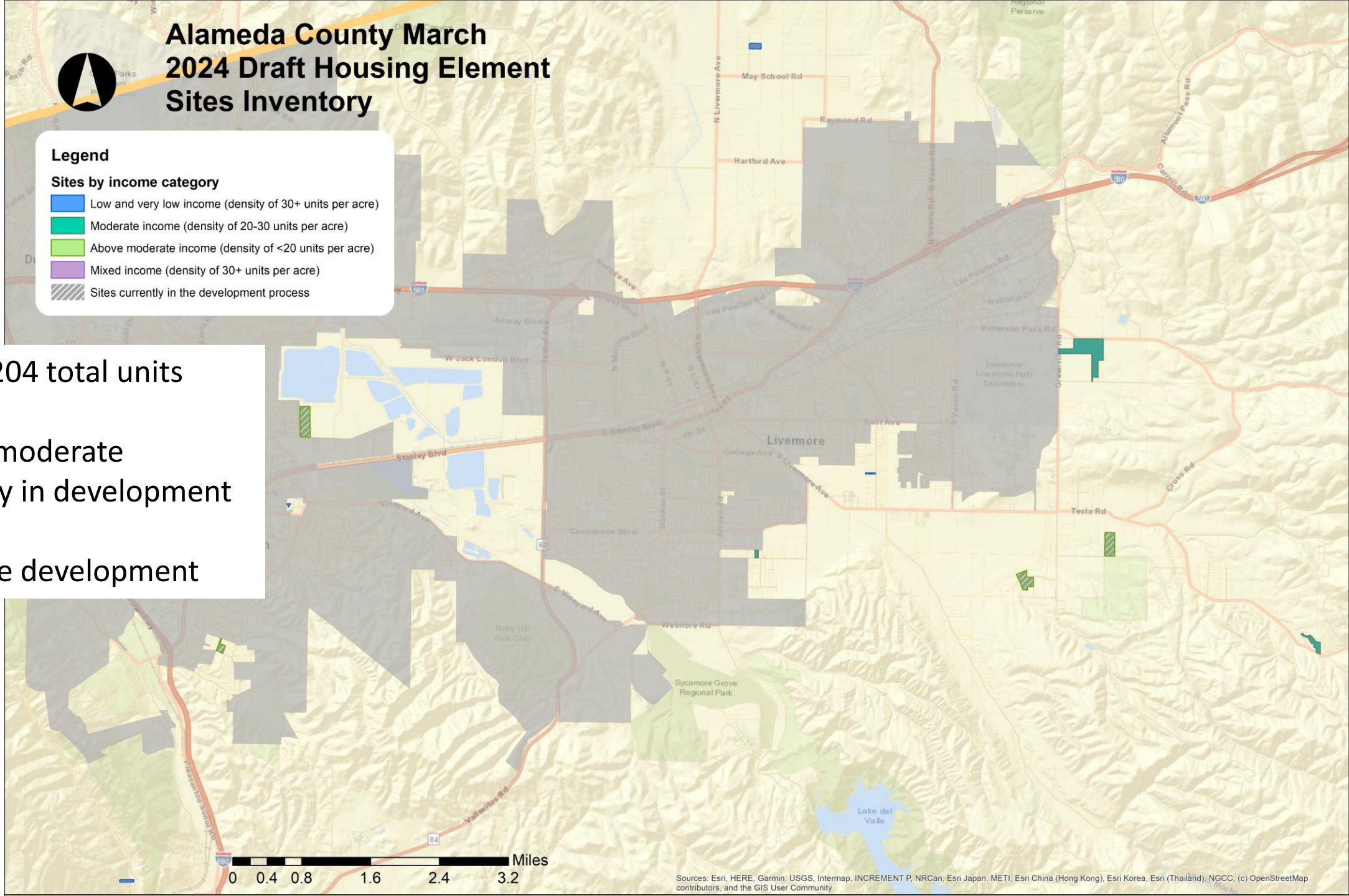
- Low and very low income (density of 30+ units per acre)
- Moderate income (density of 20-30 units per acre)
- Above moderate income (density of <20 units per acre)
- Mixed income (density of 30+ units per acre)
- Sites currently in the development process

East County: 204 total units

96.6% Above moderate

100% currently in development

One 194 house development



Sites removed from the Inventory

Mission Boulevard and E 14th Street: There are now fewer sites, fewer units, and fewer proposed rezonings along the corridor. This is due to the loss of the Cherryland Place site (potential future sheriff substation) and in response to community and state comments.

	Number of parcels	Total # of Units	Above Moderate Units (Low Density Housing)	Moderate Units	Low and Very Low Income units (Higher Density Housing)	# of Parcels Proposed for Rezoning	Total # of Rezone Units
First Draft	43 sites	477 units	6 units	140 units	331 units	9 sites	216 units
Second Draft	26 sites	222 units	6 units	121 units	95 units	5 sites	86 units

Sites changed and removed in the Inventory

- Sheriff Station: staff were updated that the substation will be relocated, potentially to the corner of Mission Boulevard and Hampton Road, and that the building currently containing the Radio Dispatch facility will remain in use.
- Castro Valley BART: BART informed staff that they will not be able to develop this site before 2031.
- Rite Aid: Was not in the first Sites Inventory but is often asked about. Current owners have stated they do not intend to build housing and are pursuing different commercial/retail spaces at the site.

Additional rezonings: vacant lots in Castro Valley and Fairview

- 'Above moderate' housing require more land because there are fewer housing units per acre.
- State comments requested additional sites in High Opportunity areas (much of northern Castro Valley) and lower density areas (Fairview and much of northern Castro Valley).
- Staff selected the majority of currently vacant residentially-zoned lots in Fairview and northern Castro Valley to propose rezoning to allow 17 units per acre.
- Units at this density are considered above moderate housing.

Bay Fair BART

- AB 2923 and MTC's Transit Oriented Communities Policy require rezoning of BART sites to increase density and reduce development constraints.
- County staff are partnering with BART and City of San Leandro staff to pursue funding to move development forward.
- San Leandro will soon begin engagement for a plan for the Bay Fair BART site – stay tuned if you live in the area and want to participate!

What happens next

- Staff anticipate publishing the second Housing Element draft in early April.
- There will be a minimum 7-day comment period.
- If you'd like to be informed about when that comes out, please add your email address to the form in the back!

Thank you!

Contact Us:

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Olivia Ortiz, Planner 3: olivia.ortiz@acgov.org

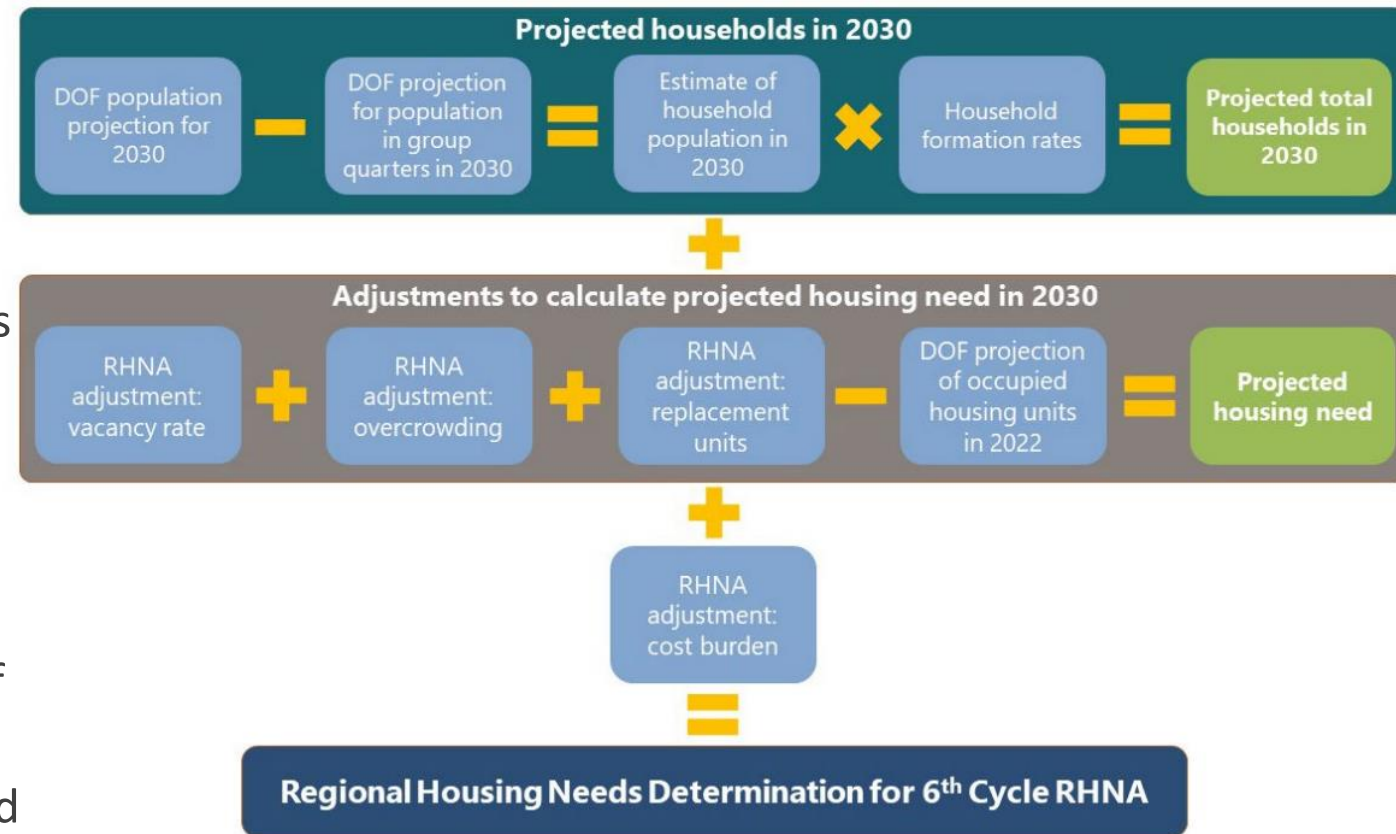
Or: housing.element@acgov.org

Additional Background slides

RHNA

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

HCD Process for Identifying Regional Housing Needs Determination (RHND)



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

Income Categories for Alameda County

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

Consequences of Not Fulfilling RHNA

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

For more details on the consequences of non-compliance with state Housing Element law,



October 2021

New State Housing Unit Set to Enforce Local Housing Mandates



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

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

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

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

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

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

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

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

How will new housing affect public safety and property values?

From the conclusion (page 12):

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

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

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

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

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

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

Produced by the Livable Cities Lab



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

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

AB 2923 requirements + TOC policies

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

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