



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Sandra Rivera
Agency Director

Agenda Item _____ June 18, 2024

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June 4, 2024

Honorable Board of Supervisors
Administration Building
1221 Oak Street, Suite 536
Oakland, California 94612

Dear Board Members:

SUBJECT: **APPROVE THE LETTER TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING THE STATUS OF THE COUNTY'S HOUSING ELEMENT AND APPROVE THE LETTER TO THE COUNTY PLANNING COMMISSION TO TRANSMIT THE BOARD'S LETTER TO THE STATE HCD**

RECOMMENDATION:

- A. Approve the letter to the California Department of Housing and Community Development responding to the County Planning Commission's June 4, 2024 letter regarding the status of the County's Housing Element, and authorize the President of the Board to sign the letter; and

- B. Approve the letter to the County Planning Commission to transmit the Board's letter to the California Department of Housing and Community Development, and authorize the President of the Board to sign the transmittal letter.

DISCUSSION/SUMMARY:

The Housing Element update is critical for all California cities and counties, including the County of Alameda. The County was required to complete its Housing Element update by January 31, 2023. Completing the Housing Element, which must be certified by the State Housing and Community Development (State HCD), is essential to maintaining local land use control, and eligibility for state and regional transportation, housing, and planning grants.

Planning staff are in the process of updating the Alameda County Housing Element for 2023 to 2031 (6th cycle). The Housing Element considers current and future housing needs for all unincorporated areas of the County. This includes the communities of Ashland, Castro Valley, Cherryland, Fairview, Hayward Acres, and San Lorenzo in the urbanized unincorporated areas as well as Sunol, and unincorporated areas in the East County.

Board of Supervisors

June 4, 2024

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An extensive community engagement process, with 24 public meetings, led to the submission of the First Draft of the Housing Element to the State HCD on October 6, 2023. As part of the iterative process for certification, the State HCD provided extensive feedback to the County on December 14, 2023. In response, staff incorporated additional revisions and conducted a community meeting before finalizing the Second Draft for public review. After a public comment period from April 19, 2024 to May 3, 2024, staff submitted the Second Draft to the State HCD on May 10, 2024. Staff anticipates comments from the State HCD on the Second Draft in early July 2024.

On June 4, 2024, the Planning Commission (PC) approved the transmission of a letter to your Board (BOS), the County Administrator, and the State HCD regarding their concern that the Community Development Agency's public input process is insufficient.

The Board acknowledges the receipt of the PC's letter approved on June 3, 2024, and the Board will consider sending a letter to the State that reflects the County's Housing Element process. This process has aimed to balance the desire to expeditiously completing the housing element certification process with the need for community outreach and input.

FINANCING:

There is no Net County Cost as a result of this action.

VISION 2026 GOAL:

The Alameda County's Housing Element goals meets the 10X goal pathways of **Eliminate Homelessness**, **Eliminate Poverty and Hunger**, and **Accessible Infrastructure** in support of our shared visions of **Healthy Environment**, **Thriving and Resilient Population**, and **Safe and Livable Communities**.

Very truly yours,

DocuSigned by:

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Sandra Rivera, Director
Community Development Agency

Attachments:

Attachment A – BOS letter to the State HCD responding to the PC's June 4, 2024 letter
Attachment B – Board of Supervisor's transmittal letter to the County Planning Commission
Attachment C – June 4, 2024 Planning Commission's letter to the Board of Supervisors

cc: Susan S. Muranishi, County Administrator
Donna R. Ziegler, County Counsel
Melissa Wilk, Auditor-Controller
Peilin Chen, County Administrator's Office
Caitlyn M. Gulyas, Office of the County Counsel
Lucy Romo, Community Development Agency



BOARD OF SUPERVISORS

June 18, 2024

Alameda County Planning Commission
224 West Winton Avenue, #111
Hayward, CA 94544

SUBJECT: RESPONSE TO LETTER OF JUNE 4, 2024

Dear Planning Commissioners:

The Board of Supervisors received the letter your Commission approved on June 3, 2024 expressing your concerns regarding opportunity for public review and comment on the County's draft Housing Element. Your Commission also voted to send the letter to the State Department of Housing and Community Development (State HCD) staff who is in the process of reviewing the County's most recent draft Housing Element.

On June 18, 2024, the Board of Supervisors approved the attached letter to State HCD to respond to your Commission's letter. The Board appreciates your Commission's efforts to ensure that the public and the Municipal Advisory Councils are engaged in the Housing Element update process, but the Board is also aware of the potential consequences of not completing the Element in compliance with state law as expeditiously as possible.

Very truly yours,

A handwritten signature in blue ink that reads "Nate Miley". The signature is written in a cursive style with a checkmark at the end.

Nate Miley
President, County of Alameda Board of Supervisors



BOARD OF SUPERVISORS

June 18, 2024

Paul McDougall, Senior Program Manager
Jose Ayala, Senior Housing Policy Specialist
California Department of Housing and Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

**SUBJECT: RESPONSE TO ALAMEDA COUNTY PLANNING COMMISSION'S LETTER
OF JUNE 4, 2024**

Dear Mr. McDougall and Mr. Ayala:

On June 4, 2024, you received a letter from the Alameda County Planning Commission expressing the Planning Commission's concerns regarding the opportunity for public review and comment on the County's draft Housing Element. The Board of Supervisors (Board) is not in agreement with the Planning Commission's view that opportunity for comment by members of the public and the Castro Valley, Eden Area, and Fairview Municipal Advisory Councils (MACs) has been inadequate throughout the element update process. While the Board is committed to engaging the public and the MACs in the development of the Housing Element, to the greatest extent feasible, the Board is also aware of the pressing need to complete and adopt a compliant Housing Element.

Since the Housing Element community engagement process began, County Planning Department staff have made presentations on the Element and received comments at 25 public meetings, including three separate meetings with each of the three MACs and two joint meetings with all three MACs. The most recent joint MAC meeting, on March 21, 2024, was held with the support of the Board to expedite the submittal of the revised draft element to your department for the second review period. In addition, the latest joint MAC meeting was open to the public, who had the opportunity to provide public comment on the Housing Element. Each MAC will be included in the approval process for the Housing Element once it is found in substantial compliance by your department.

Summaries of all comments received at each of the public meetings and by phone and email were provided in Appendix E of the October 2023 draft element. A complete list of comments and responses received throughout the process begins on page 75 of Appendix E of the May 2024 draft. A complete comment and response matrix, as well as links to the information presented at each of the public meetings, can also be found at <https://www.acgov.org/cda/planning/housing-element/engagement-surveys.htm>.

Availability of the Sites Inventory

The first draft of the sites inventory was made public (including posting on the county website) toward the end of November 2022 and was presented at the December 5, 2022 Planning Commission meeting. Between

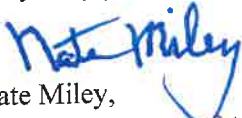
February 7th and February 27th, it was presented to the Fairview, Eden Area, and Castro Valley MACs, to the Planning Commission a second time, and to the Board's Unincorporated Services Committee. The draft sites inventory included in the August 3, 2023 Public Review Draft was available on the Planning Department website and was presented to these same bodies plus the Board between July 26, 2023 and September 21, 2023. This version of the inventory was included in the draft Housing Element submitted to State HCD in October 2023 for the initial 90-day review. At all of these public meetings, members of the public and the MACs commented on specific sites on the draft inventory, indicating that commenters were able to access the inventory. Many of the comments received from each unincorporated community expressed concern about the sites where new housing has been proposed or the densities proposed in the sites inventory. Because of the high RHNA numbers assigned to the County, it was not possible to accommodate all of these comments in the Housing Element and maintain compliance with state requirements.

Development Services Process Review Report

The Planning Commission's June 4th letter also noted that the Planning Commission had directed staff to list four County departments – Community Development Agency's Planning Department (CDA-Planning), Public Works Agency (PWA), Alameda County Fire Department (ACFD), and Department of Environmental Health (DEH) – in the Housing Element as governmental constraints because they believe these departments represent the greatest constraints to the development of residential housing in Alameda County. Recommendations for improvements to the application review processes for these four departments are included in the *Development Services Process Review Report* which is described, along with efforts to implement the recommendations in the report, starting on page C-50 of Appendix C of the May 2024 draft element. Program 3.J. commits to implementing changes recommended in the *Development Services Process Review Report* and lists CDA, PWA, ACFD, and DEH as the responsible parties. The work of the Planning Commission's permit streamlining subcommittee are described starting on page C-51 of Appendix C and Program 3.B commits to implementing identified process improvements.

In conclusion, it is the Board's position that the County's Housing Element community outreach process is consistent with Government Code Section 65583(c)(9) which requires "...a diligent effort ... to achieve public participation of all economic segments of the community in the development of the housing element." The County is committed to continuing an inclusive outreach process through the adoption and certification of the Housing Element while working toward completion of the Element in compliance with state law as expeditiously as possible.

Very truly yours,



Nate Miley,
President, County of Alameda Board of Supervisors



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

P L A N N I N G C O M M I S S I O N

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To: Hon. Nate Miley, President Alameda County Board of Supervisors
Hon. Dave Haubert, Vice-President Alameda County Board of Supervisors
Hon. Elisa Marquez, Alameda County Supervisor
Hon. Lena Tam, Alameda County Supervisor
Hon. Keith Carson, Alameda County Supervisor
Susan Muranishi, Alameda County Administrator

CC: Paul McDougall, Senior Program Manager, California HCD
Jose Ayala, Senior Housing Policy Specialist, California HCD

The Alameda County Planning Commission has authorized this letter to be sent to Alameda County Board of Supervisors and the California Department of Housing and Community Development to express the Commission's concerns regarding insufficient public review and comment on the Alameda County Housing Element.

First Draft:

- Sites Inventory was not made available at public meetings at four area Municipal Advisory Council (MAC) meetings.
- All MAC meetings were informational, removing the ability to vote on recommendations.
- Community member revisions were not incorporated into the first draft.
- Overwhelming community concern was not conveyed to the Planning Commission.
- The First Draft was entirely a staff-consultant driven document.
- The Planning Commission wanted four County departments listed as government constraints because these departments represent the greatest constraints to the development of residential housing in Alameda County.

Second Draft:

- Staff held a single workshop for all Municipal Advisory Councils minimizing input.
- MACs were not allowed to vote on recommendations to 2nd Draft Housing Element.
- The Planning Commission was removed from the Second Draft Housing Element Review process.
- Planning Commission concerns from the First Draft were not addressed in Second Draft.

Additional Concerns

- The Planning Commission was not made aware of two enforcement letters sent by Cal HCD warning of the consequences of not having a compliant Housing Element.
- The Planning Commission requires the enforcement letters and County response letters be made available on the Planning Department website, Housing Element Page.
- All Municipal Advisory Councils and the Planning Commission should be allowed to vote on recommendations to the current Draft Housing Element and those recommendations should be listed and addressed in the Housing Element before the Cal HCD approves the Housing Element.

This letter was approved by the Alameda County Planning Commission on June 3, 2024.

Sincerely

Marc Crawford, Chair
Alameda County Planning Commission