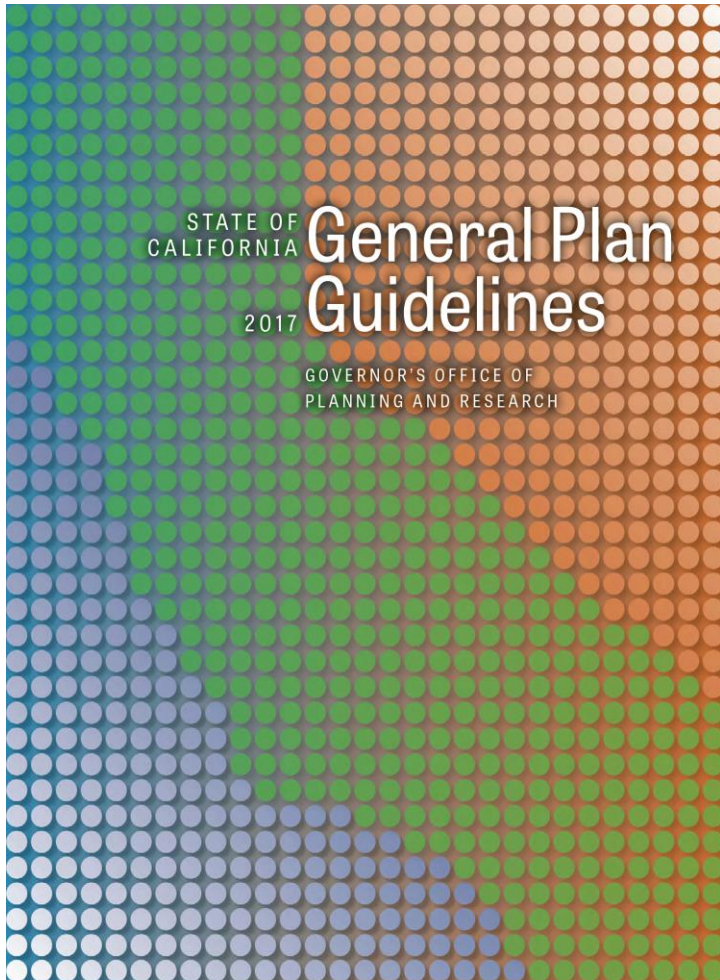




# **Adoption of the Sixth Cycle Housing Element, Amendments to the Fairview Specific Plan and Zoning Ordinance**

November 7, 2024 Fairview MAC



## General Plan Required by State Law

(Government Code Section 65300 et seq.)

### Required Elements:

- Land Use
- Circulation
- Housing
- Open Space
- Conservation
- Safety
- Noise
- Environmental Justice (separate element or integrate policies throughout other elements)



## PLANNING DEPARTMENT

### First Draft Housing Element Submittal

- **October 6, 2023** - County submitted Draft Housing Element to State HCD for 90-day review.
- **January 4, 2024** - County received HCD's comments and began revisions to address comments.

### Second Draft Housing Element Submittal

- **May 10, 2024** - County submitted revised Draft Element to State HCD for 60-day review.
- **July 9, 2024** - County received HCD's comments and began revisions to address comments.

### Third Draft Housing Element Submittal

- **September 30, 2024** - County submitted revised Draft Element to State HCD for up to 60-day review.
- **October 10, 2024** - County received comments on the third Draft Element and submitted revisions on October 21, 2024 to respond to comments.



# Contents of the Draft Element

## Section I

overview of the document and relevant regulations.

## Section II

summary of the projected housing need

## Section III

summarizes adequacy of available housing sites and housing resources

## Section IV

Housing Plan - contains goals, policies, and actions related to housing in the County



# Housing Element Appendices

A. Housing Needs Assessment

B. Sites Inventory and Methodology

C. Housing Constraints

D. Existing Programs Review

E. Public Participation Summaries

F. Affirmatively Furthering Fair Housing Assessment

G. Housing Resources



## Proposed Program Revisions to Respond to October 10<sup>th</sup> State HCD Comments on Third Draft

**Program 1.C** - Added more detail to the description of the County's current process to coordinate with the City of San Leandro and BART to prepare for development of the Bay Fair BART parking lot.

**Program 1.D** - Clarified timeline and process for development of the current Sheriff's substation site.

**Program 1.O** - Updated timeline for the preparation of the Castro Valley BART Station for future development.

**Program 1.Q** - Added new program to clarify timelines and commitments for development of additional public sites listed in the sites inventory.

**Programs 2.F, 2.G, 5.B, 6.P, 6.Q** - Updated and clarified timeframes, geographic targets, and quantified objectives.

**Program 4.H** - Added new action to further encourage development of supportive housing for persons with disabilities and updated quantified objective.



# Unincorporated Alameda County Residential Housing Need Allocation (RHNA)

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
<b>2023-2031</b>	<b>1,251 units</b>	<b>721 units</b>	<b>763 units</b>	<b>1,976 units</b>	<b>4,711</b>
% Increase	191%	218%	159%	142%	166%





# Draft Sites Inventory Summary

- 536 total sites throughout Unincorporated Area
  - 111 parcels proposed for rezoning either to increase the density allowed or to add housing as an allowed use,
  - 24 parcels identified as underimproved,
  - 182 vacant parcels, and
  - 219 parcels with “pipeline” projects (application for a housing development has been submitted or has already been approved.)
- Distribution of Units
  - approximately 44.6% of units are in the Eden Area
  - approximately 33.3% of units are in Castro Valley
  - remainder of units are in Fairview and East County
- 427 ADUs counted toward meeting the RHNA





## Estimated Sites Inventory Units by Community

	Total Proposed Units	Above Moderate Income Units	Moderate Income Units	Low and Very Low Income Units	% Units from Rezones	% Units from Permitted Projects
<i>Eden Area</i>	2,358	772	401	1,185	76.0%	13.9%
<i>Ashland</i>	1,489	351	282	856	80.6%	10.1%
<i>Cherryland</i>	197	56	54	87	43.7%	7.8%
<i>San Lorenzo</i>	614	352	41	221	75.6%	24.4%
<i>Hayward Acres</i>	58	13	24	21	65.5%	22.4%
<i>Castro Valley</i>	1,777	716	344	699	67.1%	17.5%
<i>Fairview</i>	524	489	26	9	78.8%	5.2%
<i>East County</i>	772	553	3	92	0.0%	100.0%
Projected ADU count	427	42	128	257	-	-
<b>Total (no ADU projections)</b>	5,289	2,530	774	1,985	62.5%	26.7%
<b>Total (with ADUs)</b>	5,716	2,572	902	2,242	-	-
<b>RHNA</b>	4,711	1,976	763	1,972	-	-



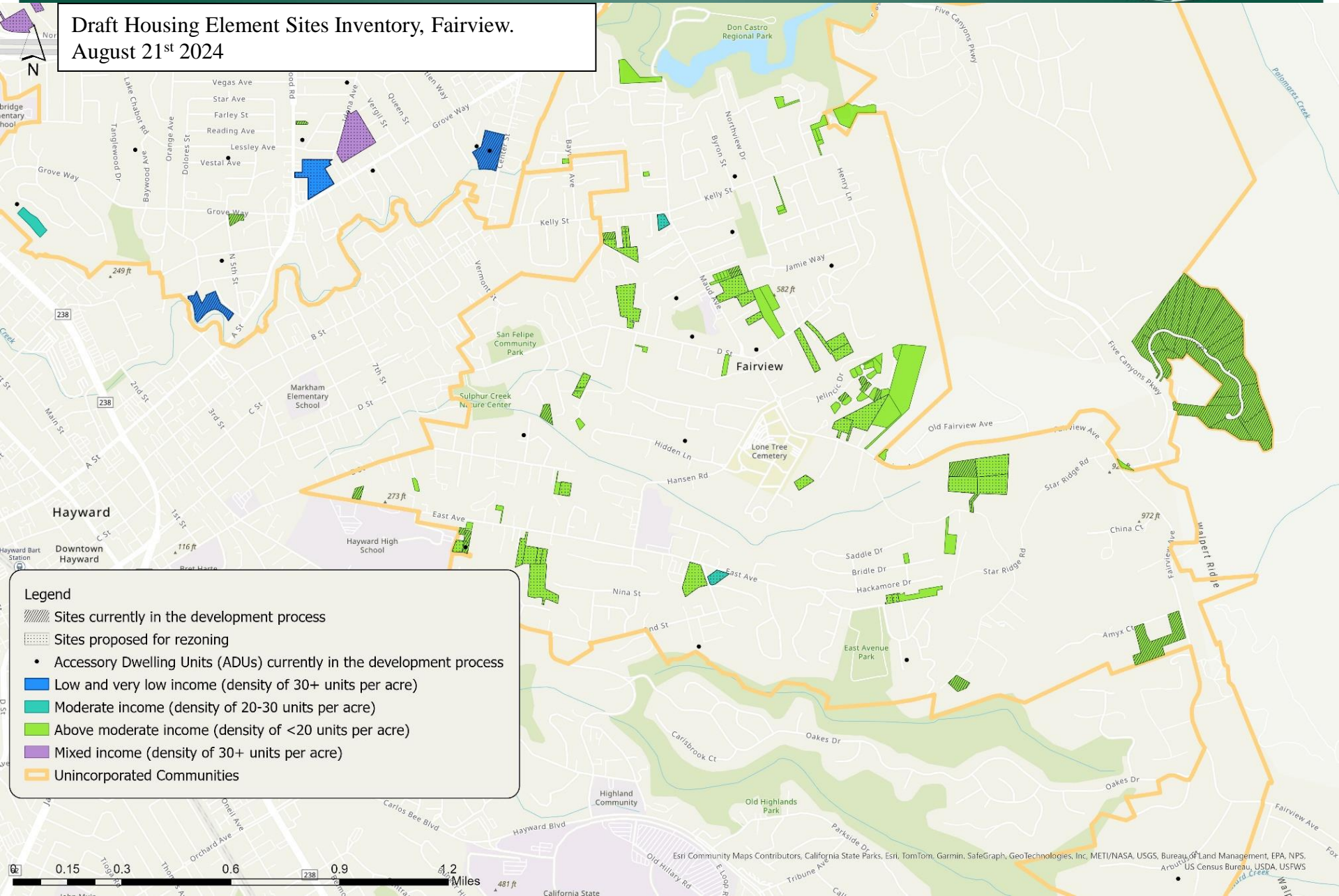
# Fairview Sites on Inventory

- **43 vacant parcels** (Estimated 84 units based on current zoning and the proposed Housing Element Overlay Combining District.)
- **26 parcels with pipeline projects**, 12 of 27 units are ADUs.
- **30 parcels are proposed for rezoning.**
  - 27 parcels proposed for up to 17 units per acre (lower-density or larger townhomes)
  - 1 parcel at 2637 East Avenue (APN 426-140-9-2) proposed for up to 22 units per acre.
  - 2 parcels, one on East Avenue (APN 425-170-2) and one at 2889 Kelly St (APN 416-180-20), proposed for up to 29 units per acre)



# Draft Housing Element Sites Inventory, Fairview.

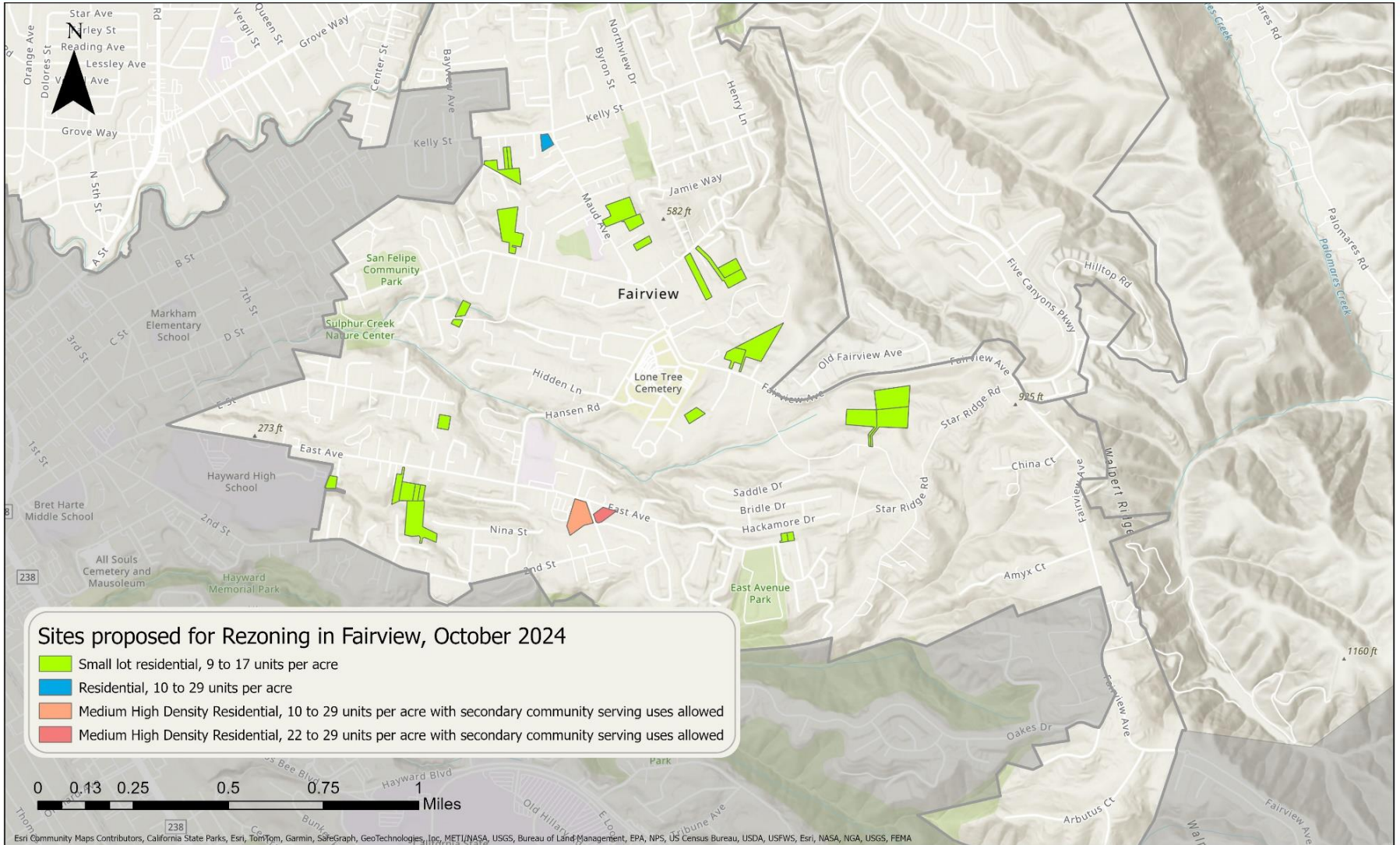
August 21<sup>st</sup> 2024







# PLANNING DEPARTMENT





# Proposed Changes to Specific Plan Land Use & Zoning Map

- New **“Small Lot Residential”** land use designation and corresponding **“Residential 17”** zoning category applied to 27 parcels on the Housing Element Sites Inventory to accommodate residential use at density ranging from 9 to 17 units per acre. Can include a variety of attached housing types including but not limited to apartments, townhomes, and flats.
- New **“Medium High Density Residential”** land use designation and corresponding **“Residential 22”** and **“Residential 29”** zoning categories to accommodate residential use up to 22 and 29 units per acre, respectively. Can include a variety of attached housing types including but not limited to apartments, townhomes, and flats and small/tiny homes. Commercial uses allowed in the CN and C1 zoning districts would be allowed as a secondary use.
- **“Commercial”** land use designation deleted.



# **Housing Element Zoning Overlay Combining District**

- HE District would be combined with the existing base zoning district on parcels listed on the Sites Inventory
- Intended to incentivize the production of housing at all income levels by providing a streamlined permitting process for development.
- Provides guidelines and approval procedures for the development and improvement of land.
- Table 1 in the draft text includes the applicable zoning standards, development standards, planning permit required, and procedure based on the density permitted by the applicable General Plan, Specific Plan and/or Zoning designations.

# Revised Parking Requirements

## Section 17.30.32 Required Parking Spaces

Projects in Zoning Districts based on the Single-Family R-1 Districts shall follow zoning or specific plan requirements which normally require more than 1 space per unit. Projects with proximity to transit stations/stops may have reduced parking requirements based on State laws pertaining to such matters. In all other cases the parking requirement shall not exceed:

- a. Studio Units: one (1) parking space per unit
- b. One-bedroom units: one and one-half (1.5) parking spaces per unit
- c. Two-bedroom or more units: two (2) parking spaces per unit, one of which can be tandem and/or uncovered

**Guest Parking:** Projects in Zoning Districts based on the Single-Family R-1 Districts shall follow zoning or specific plan requirements. In all other cases the Guest parking requirement shall not exceed: .25 per unit.

In no case shall the parking requirement for projects above 9 units per acre exceed 2.25 per unit, inclusive of guest parking.





# California Environmental Quality Act

- Initial Study (IS) found no substantial evidence that the proposed amendments will have a substantial effect on the environment.
- Based on the Initial Study, a Mitigated Negative Declaration (MND) was prepared.
- IS-MND was released for public review November 3, 2023 through December 4, 2023.
- Because of changes to the number and location of properties listed on the Sites Inventory, a revised IS-MND was prepared and recirculated for public review from September 13, 2024 through October 14, 2024.
- Recirculated IS-MND determined that the proposed project would not result in additional or substantially more severe impacts than those analyzed in the previous Draft IS-MND.



## Consequences of not having a Certified Housing Element

- **Loss of eligibility for state and regional grants** such as MTC’s One Bay Area Grants for transportation projects
  - \$9.21 million OBAG 3 grant for Upper San Lorenzo Creekway Trail in jeopardy if Housing Element not approved by the end of the year.
- **Litigation from State HCD, housing advocates, or developers**
  - Mandatory compliance – The court may order the county to bring the Element into compliance within 120 days or may appoint an agent to bring the Housing Element into compliance.
  - Financial penalties through court-issued judgements (up to \$100,000 per month) if County fails to comply
  - Suspension of authority to issue building permits or grant zoning changes, variances or subdivision map approvals.
  - Court approval of housing developments
  - Potentially responsible for plaintiff’s attorneys’ fees
- **Potential “Builders’ Remedy” projects**
  - Housing Accountability Act (Government Code Section 65589.51) requires a local jurisdiction that does not have a compliant housing element to approve housing developments with 20 percent of the total units available to lower income households or with all units available for moderate- or middle-income households, regardless of zoning.



## TENTATIVE PUBLIC MEETING SCHEDULE

<b>November 7</b>	Fairview MAC
<b>November 12</b>	Castro Valley MAC
<b>November 12</b>	Eden Area MAC
<b>November 18</b>	Planning Commission
<b>December 2</b>	Board Transportation & Planning Committee
<b>December 12</b>	Board Planning Meeting (GPA approval and 1 <sup>st</sup> reading of ordinance amendments)
<b>December 17</b>	Regular Board Meeting (2 <sup>nd</sup> reading of ordinance amendments)



## REMAINING STEPS IN THE PROCESS AFTER MAC MEETINGS

- Receive letter from HCD finding Element meets state statute.
- Present Final Draft Housing Element, and rezonings and GPAs to implement the sites inventory to Planning Commission and request recommendation for approval.
- Present Final Draft Housing Element, and rezonings and GPAs to implement the sites inventory to Board of Supervisors and request approval.
- Receive certification of compliance from State HCD after Board approval.



## **Staff Recommendation:**

- Staff requests that your Council hear a presentation by staff, take public testimony, and recommend that the Board of Supervisors adopt the 6th Cycle Housing Element and approve the proposed text and map amendments to the Fairview Specific Plan and County Zoning Ordinance to implement the Housing Element.
- If some changes are desired, a conditional approval is acceptable, and those changes will be explained at subsequent meetings with the Planning Commission and the Board of Supervisors.



## For more information:

- Project Webpage to view documents, find more information, and sign up for listserv:  
<https://www.acgov.org/cda/planning/housing-element/housing-element.htm>
- Project email to ask questions and submit comments:  
[housing.element@acgov.org](mailto:housing.element@acgov.org).