



CITY OF ALBANY CITY COUNCIL AGENDA STAFF REPORT

Agenda Date: October 2, 2023
Reviewed by: NA

SUBJECT: Housing Element Implementation Study Session

REPORT BY: Sophie Gabel-Scheinbaum, Interim Associate Planner
Leslie Mendez, Planning Manager
Jeff Bond, Community Development Director

STAFF RECOMMENDATION

That the Council receive a presentation regarding implementation of the 2023-2031 Housing Element and provide feedback on priorities.

BACKGROUND

The Housing Element is a state-mandated element of the City's General Plan that requires local governments to adequately plan to meet the housing needs of everyone in the community, both present and future. The Housing Element establishes a framework for the city's policies and programs for meeting local housing needs, with an emphasis on the needs of lower- and moderate-income households and persons with special needs. Housing Elements address all aspects of housing, including production, conservation, rehabilitation, and fair housing. City Council adopted the [City of Albany 2023-2031 Housing Element](#) on February 21, 2023. In a letter dated September 8, 2023, the California Housing and Community Development Department (HCD) certified the city's Housing Element for compliance with state housing law and outlined ten specific programs for priority implementation (Attachment 1).

DISCUSSION

Chapter 6 of the Housing Element outlines the city's housing goals, policies, and programs in a "Housing Action Plan" for the maintenance, preservation, and development of housing. The Action Plan includes six over-arching goals: Equitable Access to Housing, Housing Production, Implementation Programs, Special Housing Needs, Reducing Housing Constraints, Fair Housing and Housing Security, and Housing Resources and Administration. Each goal has associated policies and programs for implementation. A description and implementation timeframe are included for each of the Housing Element's 57 programs. Due to the number of adopted programs and existing resources, staff is proposing a phased implementation plan that includes identifying a priority program tier and placing the 12 programs identified in this first tier into three distinct groups to be worked through based on:

- Priority grouping by HCD;
- Timing outlined in the Housing Element;
- Community interest; and
- Efficiencies across related topics.

Specifically, programs such as Just Cause Eviction and Anti-Harassment/ Anti-Discrimination policies are often combined into a consolidated resolution or ordinance in many jurisdictions (Oakland, Berkeley, Alameda, East Palo Alto). The same is seen with Rent Stabilization and Rent Review/Registries (Oakland, Berkeley, Alameda, East Palo Alto, San Leandro, San Jose).

The remaining 45 Housing Element programs will be outlined in a future phased work plan once initial phases are underway.

Outreach, Engagement and Survey Results

Staff have observed that a relatively small number of renters participated in the Housing Element preparation process. As identified in the Housing Element Program 5.H (Equitable, Inclusive Outreach) staff have begun and will continue to conduct outreach and engagement during each phase of implementation.

As part of the initial outreach effort, staff published an “Albany Renter Survey” in both English and Chinese (see Attachment 2), that was open from July 2023 through the final outreach at the Solano Stroll September 10, 2023. An electronic survey was available online, and paper copies were available at the city’s library, community center, and senior center. The survey was not intended to capture with statistical validity the entire renter population. Rather, it provided people that might not otherwise engage in housing program development with a relatively easy and private way to share their views in a structured form. In addition, by asking people their views on housing programs, it hopefully deepens their connection to the process and generates future participation.

While staff will prepare a more in-depth review of the survey results in the near future, the initial review includes important data points staff have considered when grouping programs into each phase.

- The survey received just over 400 responses, 77% of which self-identified as current Albany renters, and 23% property owners.
- From initial review of the survey, approximately 50% of renter respondents self-reported paying between 30-50% of their income on housing expenses (considered “rent-burdened”), which is greater than the 27% reported in the 2019 American Community Survey conducted by the United States Census Bureau.
- Approximately 25% of renter respondents self-reported paying over 50% of their income on housing expenses (considered “severely rent-burdened”), which is similar to the 25% reported in the 2019 American Community Survey.
- Nearly a quarter of renter respondents reported experiencing rent increases of over 10% within a one-year period while being a renter in Albany.

In addition to the survey, staff met with the Albany Property Rights Association (APRA) and Albany Thrives Together (ATT) in August and September, respectively, to discuss the high-level implementation approach to the Housing Element programs and begin discussions on some of the topic areas proposed to understand priorities and key areas of feedback. Communication with these groups, in addition to further community-wide outreach and engagement, will be incorporated into each phase of implementation.

Draft Schedule and Phasing for Initial Program Consideration and Implementation

Staff proposes the following implementation phases based on: timelines outlined in the Albany Housing Element; feedback from City Council, Planning Commission, and public input during the housing element development process; prioritization list provided by HCD; as well as prioritizing programs with the greatest potential impact community wide. A more detailed description of the projects is provided in Attachment 3. The program grouping for Phase I is comparable to peer jurisdictions within Alameda County that have developed comprehensive “Tenant Protection” resolutions or ordinances that encompass several programs under one action.

Phase I

- Just Cause for Eviction (5.D)
- Non-Discrimination and Anti-Harassment (5.D)
- Rent Stabilization (5.D)
- Rent Review (5.C)
- Access to Legal Council (5.D)

Phase II

- Relocation Assistance (5.D)
- ADU Affordability Incentives (1.J)
- Measure K Modifications (2.B)
- San Pablo Avenue Specific Plan Monitoring and Implementation (2.D)
- Revisions to Inclusionary Zoning Ordinance (2.C)
- Collaboration with Non-Profits (6.E)

Phase III

- Feasibility of Local Housing Voucher Program (5.D)
- Single-Family Zoning Reform (1.A)
- Developmental Disabilities (3.E)
- Residential Care Facilities (3.D)
- R-2 Zoning District Changes (4.B)
- Emergency Shelter Emergency Shelter, Low Barrier Navigation Centers, and Single Room Occupancy (SRO) housing, and Employee Housing (3.H)

Programs 5.F (AFFH Education and Historic Context) and 5.H (Equitable, Inclusive Outreach) are not included in specific phases as they will be incorporated into each phase on an ongoing basis.

SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS

Implementation of Housing Element programs is one of the most significant tools the City has to advance social equity in the community. Many of the policies and programs are specifically designed to affirmatively further fair housing, support economic integration, protect renters and lower income residents, and create new housing opportunities for lower-income households and persons with special needs.

SUSTAINABILITY CONSIDERATIONS

The City's Climate Action Plan includes Program 1.1.8 to amend the zoning ordinance to require higher density development where appropriate. The increased density of housing can ultimately minimize vehicle miles travelled, helping the City achieve its greenhouse gas reduction goals.

CITY COUNCIL STRATEGIC PLAN INITIATIVES

- GOAL 2: Promote Housing Availability & Quality

FINANCIAL CONSIDERATIONS

Unlike larger cities, Albany does not have the staff and revenue capacity to expand beyond current housing services and affordable housing development activities. As part of the evaluation of each phase of Housing Element work, additional revenue sources and staffing will have to be considered to ultimately be successful.

ENVIRONMENTAL REVIEW

Establishing priorities for program development is not a decision subject to California Environmental Quality Act review. Future approval of individual programs that result in a physical change to the environment may require additional review.

ATTACHMENTS

1. Housing Element Certification Letter from HCD
2. Albany Renter Survey (English)
3. Housing Element Program Descriptions

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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September 8, 2023

Jeff Bond, Director
Community Development Department
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

Dear Jeff Bond:

RE: City of Albany's 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting the City of Albany's (City) housing element that was adopted February 21, 2023 with technical modifications received August 16, 2023. The technical modifications were authorized by Resolution Number 2023-09 and were made available to the public for seven days before HCD's review. The City confirmed the technical modifications are consistent with the direction and authority granted by Resolution Number 2023-09. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the adopted housing element, including technical modifications, in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq) as of the date of this letter. The adopted element, including technical modifications, addresses the statutory requirements described in HCD's April 21, 2023 review.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Program 1.A: Single Family Zoning Reform
- Program 1.J: ADU Affordability Incentives
- Program 2B. Measure K Modifications
- Program 2.D: San Pablo Avenue Specific Plan Monitoring and Implementation
- Program 2.F: By-Right Development on Carry Over Sites
- Program 3.D: Residential Care Facilities
- Program 3.E: Developmental Disabilities
- Program 4.B: R-2 Zoning District Changes
- Program 5.D: Tenant Protection
- Program 6.E: Collaboration with Non-Profits

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is 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.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City of Albany now meets housing element requirements for these and other funding sources.

HCD appreciates the hard work and cooperation that the City staff and consultants provided throughout provided throughout the course of the housing element review. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact me at paul.mcdougall@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager



ALBANY RENTER SURVEY

The City of Albany invites all Albany renters to participate in this survey! The survey results will help the City make important decisions about future housing policies, regulations, and programs; and understand how to best support renters in the city.

There are no right or wrong answers, and your responses will remain *completely* anonymous. The survey will remain open until September 10, 2023. Completed surveys can be dropped off at:

- Albany Community Center (1249 Marin Ave, 8:30 AM – 5:00 PM)
- Albany Senior Center (846 Masonic Ave, 8:30 AM – 5:00 PM)
- Albany City Hall, Community Development Department (1000 San Pablo Ave, 8:30 AM – 12:00 PM, 1:15 – 5:00 PM Mon-Thurs, 8:30 AM -12:00 PM Fri)

Questions or concerns? Reach out to com-dev@albanyca.org or call (510) 528-5760

Thank you for your time and for completing the survey!

1. Which of the following describes you?

- I rent my home
- I own a property that is rented out to one or more tenants (please skip to Question 19)
- Other (please specify): _____

2. How would you describe the home you rent?

- House
- Duplex/ Triplex/ Fourplex
- Apartment Building (non-University)
- Apartment Building (University Village)
- Accessory Dwelling Unit (in-law apartment, garage apartment, etc.)
- Rented Room
- Other (please specify) _____

3. How did you find your current home?

- Advertisement (Craigslist, Facebook, Zillow, etc.)
- Agency or broker
- Referred by a tenant or former tenant in the building
- University of California
- Word of mouth/ a friend
- I know the landlord
- Other (please specify) _____

4. What is the total monthly rent for your home?

5. If you had to guess, what percent of your total income do you spend each month on rent and utilities?

- Less than 30%
- Between 30% and 50%
- More than 50%

6. Which of the following best describes your household?

- Person living alone
- Couple without children under 18 living at home
- Couple with children under 18 living at home
- Single parent with children under 18 living at home
- Person living with extended family
- Person living with unrelated individuals/ roommates
- Other (please specify) _____

7. Including yourself, how many people live in your home?

- 1
- 2
- 3
- 4
- 5+
- It varies

8. Do you have a designated parking space as part of your housing?

- Yes
- Yes, but I pay extra for my parking space
- No, but there is shared parking available
- No
- Other (please specify) _____

9. How long have you lived in your current home?

- Less than 1 year
- 1 to 2 years
- 3 to 4 years
- 5 to 10 years
- More than 10 years

10. Which of the following statements best applies to you and your living situation?

- I plan to move out of the City of Albany in the next year
- I plan to move to a new home in Albany in the next year
- I plan to move out of the City of Albany in the next 1-3 years
- I plan to move to a new home in Albany in the next 1-3 years

ALBANY RENTER SURVEY

- I plan to move eventually, but have no timetable
- I would like to stay in my current home indefinitely
- Other (please specify) _____

11. How would you rate the condition of your housing?

- Excellent
- Good
- Fair
- Poor
- Other (please specify) _____

**12. Have you experienced any of the following while living in Albany?
(Check all that apply)**

- Rent increases of greater than 10 percent in a one-year period
- Inability to pay the rent (due to loss of work, COVID-19, etc.)
- Loss of an amenity in your rental agreement such as parking or storage
- Delay in getting something repaired (plumbing, doors, windows, appliances, etc.)
- Health or safety hazard in your building or housing unit
- Issues with insects or rats/mice
- Crime and/or security problems
- A buy-out or offer to leave your unit before the lease was up
- An eviction notice
- Discrimination or harassment in securing or keeping housing

13. In the past five years, have you ever been in a situation where you had no other housing option other than moving in with friends/relatives, or living on the street, in your car, or in a shelter?

- Yes
- No
- Other (please specify) _____

14. Are you aware of the City of Albany's rent review program?

- Yes
- No

15. If you have used this program, what was your experience? (Skip to next question if you have not used this program)

16. If the building you live in was put up for sale by the owner, would you be interested in joining with other residents to purchase it?

- Yes
- Maybe
- No

- Don't know/ need more information
- Not applicable to my housing situation
- Other (please specify) _____

17. Are there additional services you wish that the City of Albany would provide or any further comments you'd like to tell us about your experience as a renter?

18. What kind of housing would best serve you and your household in the future? (Check all that apply)

- Accessory Dwelling Units (in-law apartments)
- Affordable (subsidized) rental housing for families
- Condominiums geared to first-time buyers
- Housing for extremely low-income households and persons at risk of homelessness
- Housing for older adults (65+)
- Market-rate rental housing (apartments)
- Townhomes and single-family houses
- Other (please specify) _____

19. If you are a property owner and/or housing provider, please use the space below to share any feedback with the City of Albany on rental housing issues in our community.

The following demographic questions are completely optional. Any information you're comfortable sharing would be helpful in understanding the community we serve.

1. Which of the following best describes your ethnic background/heritage? (Check all that apply)

- Asian/ Pacific Islander
- Black/ African American
- Hispanic/ Latino/x
- Native American/ Indigenous
- White
- Prefer not to state
- Other (please specify) _____

2. What is your age?

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- Over 65

3. Does anyone in your household, including yourself, have trouble with accessibility or walking and/or climbing stairs?

- Yes
- No
- Other (please specify) _____



奥尔巴尼租户调查问卷

敬爱的奥尔巴尼租客：

奥尔巴尼市邀请您参与本次调查。调查结果将帮助市政府做出未来有关住房政策、法规和计划的重要决策，并了解如何最好地支持本市的租房者。

答案没有正确或错误之分，您的回答将完全匿名。该调查问卷将持续到 2023 年 9 月 10 日。感谢您抽出时间并填写问卷！

完成的调查可以寄送至：

- 奥尔巴尼社区中心（1249 Marin Ave, 上午 8:30 – 下午 5:00）
- 奥尔巴尼老年人中心（846 Masonic Ave, 上午 8:30 – 下午 5:00）
- 奥尔巴尼市政厅社区发展部（1000 San Pablo Ave, 周一至周四上午 8:30 – 中午 12:00, 下午 1:15 – 5:00, 周五上午 8:30 -12:00）

有问题或疑虑吗？联系 com-dev@albanyca.org 或致电 (510) 528-5760
感谢您抽出时间并完成调查！

1. 以下哪一项描述了您？
 - 我住的房子是租的
 - 我拥有一处出租给一个或多个租户的房产 (请直接跳至第 19 题)
 - 其他 (请注明) : _____
2. 您如何形容您租的房子？
 - 独栋房屋
 - 两单位房屋/三单位房屋/四单位房屋
 - 公寓楼 (非大学)
 - 公寓楼 (大学村宿舍)
 - 附属住宅 (姻亲单位、车库单位等)
 - 出租房间
 - 其他 (请注明) _____
3. 您是如何找到现在的住家的？

- 广告 (Craigslist、脸书、Zillow 等)
 - 物业管理公司或经纪人
 - 由物业内的租户或前租户推荐
 - 加州大学
 - 口碑/朋友
 - 我认识房东
 - 其他 (请注明) _____
4. 您家每月的租金总额是多少？
- _____
5. 如果您必须预测，您每月花在房租和水电费上的费用占您总收入的百分之几？
- 低于 30%
 - 30% 到 50% 之间
 - 超过 50%
6. 以下哪一项最能描述您的家庭？
- 独居者
 - 没有 18 岁以下子女的夫妇住在家里
 - 夫妇与 18 岁以下的孩子一起住在家里
 - 单亲家长夫妇与 18 岁以下的孩子一起住在家里
 - 与大家庭/亲戚住在一起
 - 与其他无关系人/室友同住
 - 其他 (请注明) _____
7. 包括您自己在内，您家有多少人居住？
- 1
 - 2
 - 3
 - 4
 - 5+
 - 不一定
8. 您的住屋有指定停车位吗？
- 有的

- 有的，但我为停车位支付额外费用
 - 没有，但有共享停车场
 - 没有
 - 其他（请注明）_____
9. 您在现在的家里住了多久？
- 不到 1 年
 - 1 至 2 年
 - 3 至 4 年
 - 5 至 10 年
 - 10 年以上
10. 以下哪项陈述最适合您和您的生活状况？
- 我计划明年搬出奥尔巴尼市
 - 我计划明年搬到奥尔巴尼的新家
 - 我计划在未来 1-3 年内搬出奥尔巴尼市
 - 我计划在未来 1-3 年内搬到奥尔巴尼的新家
 - 我计划最终会搬家，但还没有预定什么时候
 - 我想无限期地留在现在的家
 - 其他（请注明）_____
11. 您如何评价您租的房屋状况？
- 非常好
 - 好
 - 尚可
 - 差
 - 其他（请注明）_____
12. 您在奥尔巴尼市生活期间是否经历过以下任何情况？（请选择所有适用的选项）
- 一年内租金涨幅超过 10%
 - 无法支付房租（由于失业、COVID-19 等）
 - 失去租约协议中的便利设施，例如停车位或储藏室
 - 延迟修理某些装备（水管、门、窗、电器等）
 - 您的住房/单位中存在健康或安全隐患
 - 害虫或老鼠的问题

- 犯罪和/或安全问题
 - 在租约到期前买断或提出离开您的单位
 - 收到驱逐通知
 - 在租房时或保留住房方面受到歧视或骚扰
13. 在过去五年中，您是否遇到过没有其他住房选择而搬到朋友/亲戚那里、住在街上、住车里、或避难所的情况？
- 是的
 - 没有
 - 其他 (请注明) _____
14. 您了解奥尔巴尼市的租金审查计划吗？
- 是的
 - 否
15. 如果您曾经经历过该计划的过程，您的经历如何？（如果您没有经历过该计划的过程，请跳至下一个问题）
- _____
16. 如果您的住房被业主出售，您是否有兴趣与其他居民一起购买？
- 是的
 - 也许
 - 否
 - 不知道/需要更多信息
 - 不适用于我的住房情况
 - 其他 (请注明) _____
17. 您是否希望奥尔巴尼市提供其他服务，或者您愿意告诉我们任何进一步的意见有关您作为租户的经历？
- _____
- _____
18. 在未来，什么样的住房最适合您和您的家庭？（请选择所有适用的选项）
- 附属住宅单位 (姻亲单位)
 - 为家庭提供经济适用 (补贴) 出租住房

- 适合首次购房者的公寓
- 为极低收入家庭和无家可归者提供的住房
- 老年人 (65 岁以上) 住房
- 市场价的出租住房 (公寓)
- 联排房屋和独栋房屋
- 其他 (请注明) _____

19. 如果您是业主和/或住房提供者，请与奥尔巴尼市分享任何有关我们社区出租住房问题的反馈。

以下人口统计的问题是自愿回答的。您愿意分享的任何信息都将有助于我们更了解我们的社区。

1. 以下哪一项最能描述您的种族背景/传统？（请选择所有适用的选项）

- 亚洲/太平洋岛民
- 黑人/非裔美国人
- 西班牙裔/拉丁裔/x
- 美洲原住民/土著
- 白人
- 宁可表态
- 其他 (请注明) _____

2. 您的年龄？

- 18 岁以下
- 18-24 岁
- 25-34 岁
- 35-44 岁
- 45-54 岁
- 55-64 岁
- 65 岁以上
- 拒绝透露

3. 您家中是否有人 (包括您自己) 存在行动不便或行走和/或爬楼梯困难?

是

否

其他 (请注明) _____

HOUSING ELEMENT PROGRAM DESCRIPTIONS:

Part 1: HCD Priority Programs

The programs identified by HCD are outlined below in the descending order provided in the Housing Element. Staff has provided a description, the housing element commitment, and implementation timing for each topic.

- ***Program 1.A: Single Family Zoning Reform***

Description: Albany’s R-1 zoning district currently only allows single family dwellings and accessory dwelling units (ADUs). With the median home price in the city approaching \$1.3 million, affordable housing opportunities in these areas are extremely limited. Participants in the 2023-2031 Housing Element expressed unwavering support for keeping Albany an economically diverse and inclusive city. In addition, discriminatory lending practices and deed restrictions in place prior to the passage of the Fair Housing Act of 1968 resulted in the direct or indirect exclusion of certain racial and ethnic groups from some of the city’s neighborhoods. The State of California has adopted legislation such as Senate Bill 9 (SB9, 2021), compelling cities to create additional housing opportunities in single family neighborhoods, recognizing past exclusionary past practices while creating additional access to housing in higher-resource areas.

Commitment: Revise the R-1 (Single Family Zoning) district to allow for a greater mix of housing types and increased access to affordable housing opportunities in Albany’s residential neighborhoods.

Timing: By December 31, 2025

- ***Program 1.J: ADU Affordability Incentives***

Description: The City amended its ADU regulations in 2020 in response to the State requirements in effect at the time. It will continue to update regulations as State law changes in the future. In addition, the City will develop strategies to incentivize the production of ADUs that are rent-restricted or “affordable by design” to low- and moderate-income households. This will include new incentives for units that are deed restricted to lower-income households, such as reduced fees and variations from the adopted development standards. These changes should include increasing the allowable height of an ADU. The City will also continue to promote the development of ADUs in general. Albany already has a dedicated website landing page with information on ADUs, but the page will be enhanced and improved with additional links to resources for homeowners interested in developing ADUs or Junior ADUs.

Commitment: Adopt provisions for reduced fees, fee waivers, and other concessions for owners who agree to rent-restrict their accessory dwelling units (ADUs) to low and/or moderate-income households.

Timing: (1) Update and improve ADU landing page on Albany website by 2024; (2) Adopt reduced fees and development standards for owners who voluntarily agree to rent-restricted ADUs by end of 2025.

- ***Program 2B. Measure K Modifications***

Description: The site in question is the largest privately-owned vacant parcel in Albany with residential zoning. Measure K, approved by Albany voters in 1994, limited the density of this site to 6 units per acre. The site is currently for sale and could potentially be developed with 65 units. This action program would place a measure on the 2024 ballot asking Albany voters to rescind the Measure K limit and enable a higher residential density on this site. The specific provisions of the ballot measure would be determined after the Housing Element is adopted, but at minimum the measure would permit at least 12 units per acre, which is comparable to the density allowed in the R-1 district. New zoning for this site would facilitate the clustering of allowable density on the portion of the site along Pierce Street, allowing the upper slopes to be retained as open space. For Housing Element purposes, the City is assuming a density of 20 units per acre on 6.5 acres, or 130 units. However, higher densities (and potentially a larger open space set-aside) should be strongly encouraged. For instance, the developed area could be 2.6 acres at 50 units per acre (130 units) with 8.2 acres of permanent open space. The City also strongly supports the development of this site with affordable housing, or housing that provides entry-level opportunities for first time homebuyers.

Commitment: Place a measure on the 2024 ballot to rescind the provision of Albany’s Measure K (1994) related to the 10.79-acre parcel (APN 66-2760-10-7) located on Pierce Street on the south side of Albany Hill. New zoning for the site should accommodate the production of at least 130 units of housing at a density of no less than 20 units per acre, with housing clustered on the most accessible western portion of the site, improved protection of sensitive habitat on the eastern portion, and incorporation of wildfire protection measures across the entire site.

Timing: November 2024 ballot.

- ***Program 2.D: San Pablo Avenue Specific Plan Monitoring and Implementation***

Description: While this program calls for implementation of the Specific Plan, it also calls for ongoing efforts to monitor how well the Plan is working to stimulate and facilitate housing development along the corridor. This includes a biennial memo (potentially as part of the Annual Progress Report) on the effectiveness of the development and design standards toward achieving their intended purpose. It also includes advising property owners within the Plan Area of development opportunities, providing technical assistance to applicants and owners, and working with neighbors to address issues related to design and development impacts. As part of the Housing Element outreach process, a specific need was identified to prepare an instructional memo defining how State density bonuses will be calculated for projects in the corridor, given the lack of a density standard for new development. The need for renderings and 3-D models of structures that were six stories or taller also was identified.

Commitment: Implement the San Pablo Avenue Specific Plan, including its provisions for transformation of San Pablo Avenue from an auto-oriented commercial corridor to a corridor that

advances residential mixed-use development. Monitor the Plan’s effectiveness and maintain ongoing communication with property owners to support and facilitate residential development. Modify the Plan as needed if it is not achieving its intended goals.

Timing: (1) Guidance on Density Bonus Calculation (June 2023); (2) Report on Specific Plan Implementation and Progress (2024, and every two years thereafter).

- ***Program 2.F: By-Right Development on Carry Over Sites***

Description: Government Code Section 65583.2(c) requires cities that are carrying over nonvacant sites from their 5th Cycle Housing Element allow residential uses “by right” if at least 20 percent of the units are affordable to lower income households. This provision applies to Albany sites 12, 16, 19, 21, 23, 26, 29, 30, 31, 34, 35, and 41, and parts of sites 18, 24, and 39 (see Appendix B). All of these sites except 12, 39, and 41 are in the San Pablo Avenue Specific Plan area. The City has already adopted zoning and objective design standards for the Specific Plan area that allow by-right approval for projects meeting the standards. Moreover, all of these sites were substantially up-zoned in 2022—not to meet a RHNA shortfall, but rather to promote high-density mixed-use development on San Pablo Avenue. Sites 12, 39, and 41 are still subject to the “carry-over” requirement. In the event a residential project with 20 percent affordability is proposed on one of these three sites, it will be processed by right. In this context, “by right” means that no use permit or planned unit development permit is required. Such projects may still be subject to design review, but the Planning and Zoning Commission may only evaluate the design merits of the project and call for design-related modifications—they cannot reject, deny, or modify the residential use.

Commitment: Permit housing “by right” on all housing sites identified as having the potential for lower income units in the 5th Cycle (2015-2023) Housing Element that are being carried forward in the 6th Cycle, provided such sites meet objective development and design standards and include set aside at least 20 percent of the units as affordable to lower income households.

Timing: Effective upon adoption.

- ***Program 3.D: Residential Care Facilities***

Description: As noted in Chapter 5, large residential care facilities currently require a Major Use Permit. This requires a Planning and Zoning Commission hearing, additional applicant costs, and conformance to spacing requirements. The City will develop additional objective standards for large residential care facilities so that the use permit may be issued administratively (e.g., a “minor” use permit, which may be issued by the Community Development Director). It will also modify the spacing requirements so they apply only to specific residential care facilities identified by the legislature, or eliminate the spacing requirements entirely. As noted in the text above, this program also clarifies that non-licensed group homes are subject only to the same standards as other housing of the same type in the same zone.

Commitment: Implement the following amendments to Chapter 20 of the Albany Municipal Code: (a) In addition to the definitions of large and small residential care facilities, add a definition of group homes. The definition should clarify that group homes that operate as single family residences and do not provide licensable services are allowed in all residential zones

regardless of the number of occupants, and are subject only to the generally applicable, non-discriminatory health, safety, and zoning laws that apply to all single family residences; (b) Develop objective standards for large residential care facilities providing licensed services in order to shift from a Major Use Permit requirement to a Minor Use Permit requirement, thereby streamlining the approval process; (c) Amend or eliminate the 300' spacing requirement for large residential care facilities. In the event a spacing requirement is retained, it shall apply only to the specific types of licensed facilities for which such requirements have been deemed justified by the State legislature.

Timing: 2025

- ***Program 3.E: Developmental Disabilities***

Description: Developmentally disabled residents include children with mental or physical impairments and adults who were born with a disability or developed a disability before age 18. Many developmentally disabled persons can live and work independently, but some require a group living environment with supervision, or living units with special features. The City of Albany will continue to support the development of group homes which serve developmentally disabled adults and will work with service providers to encourage the inclusion of units for persons with developmental disabilities in future housing developments. It will also coordinate with the Regional Center of the East Bay (RCEB) to inform Albany residents of the resources available to them and to explore incentives so that a larger number of future housing units include features that meet the needs of persons with developmental disabilities. The City will reach out to RCEB at least once every two years during the planning period to discuss housing-related issues and needs.

Commitment: Support the construction and rehabilitation of housing to meet the needs of Albany residents with developmental disabilities, including group homes and units within affordable housing developments designed for developmentally disabled residents, consistent with fair housing law. Conduct outreach to the Regional Center of the East Bay and local service providers to identify housing and supportive service needs and determine ways the City can be more responsive to these needs.

Timing: Meet with RCEB no later than 12/31/2024 and at least once every two years thereafter.

- ***Program 4.B: R-2 Zoning District Changes***

Description: There are over 300 parcels in Albany with R-2 zoning. Most are small lots of 2,500 to 5,000 square feet developed with single family homes similar to parcels in adjacent R-1, or 2-4 plexes, and small apartment buildings similar to R-3 parcels. This program includes an analysis of existing densities and building patterns to determine if map changes should be made.

Commitment: Inventory existing land uses and densities on all R-2 properties to determine if any R-2 areas should be rezoned to R-1 or R-3. Rezoning to R-3 should be considered where existing densities exceed 34 units per acre and where existing building footprint and development envelopes are conducive to additional dwelling units on the property. Rezoning to modernized R-

1 zoning district standards (Program 1.A) should be considered where existing densities match neighboring R-1 District densities.

Timing: By end of 2025

- ***Program 5.D: Tenant Protection***

Description: The intent of Program 5.D is to ensure that all Albany residents, regardless of their income or tenure, have a secure and stable place to live. This program has been included in direct response to community feedback received during the 2023-2031 Housing Element Update and to the State of California's mandate that the Housing Element affirmatively further fair housing for lower income households. The Program includes a comprehensive evaluation of any gaps or deficiencies in the tenant protections that were created by AB 1482 (see text box), including existing State laws related to rent stabilization, just cause for eviction, and relocation assistance. Local tenant advocacy organizations have further expressed that the City should explore the feasibility of non-discrimination and antiharassment provisions that go beyond State and federal fair housing laws. Tenant and housing provider organizations have indicated that access to legal aid organizations could be beneficial on both sides.

Specific measures to be evaluated through this program include:

- Any gaps or deficiencies in the tenant protections that were created by AB 1482 (effective 1/1/20)
- Additional rent stabilization measures, including a limit on annual rent increases.
- A Just Cause for Eviction Ordinance, which defines specific conditions under which a tenant can be evicted, such as non-payment of rent, damage to the unit, criminal activity, etc.
- A Non-Discrimination and Anti-Harassment Ordinance so that landlords cannot harass tenants who are exercising their legal rights.
- Relocation assistance for tenants who are evicted without cause.
- Access to legal counsel
- Provisions to avoid discrimination against tenants who have a prior eviction in their history.
- The feasibility of a local housing voucher program

Commitment: Complete an evaluation of potential measures to improve the housing security of low-income tenants, particularly those who are most vulnerable to displacement. This evaluation should be prepared collaboratively with housing providers and tenants and focused on solutions that reflect the needs and concerns of both groups. Based on the findings of the evaluation, including potential costs and funding sources, and input from the community, develop and implement new tenant protection measures.

Timing: Complete evaluation by the end of 2023. Implement recommendations in 2024.

- ***Program 6.E: Collaboration with Non-Profits***

Description: This would include local housing groups as well as regional organizations such as East Bay Housing Organizations and East Bay for Everyone. It also includes partnerships with

affordable housing developers, organizations such as ECHO Housing, and supportive service providers such as Berkeley Food and Housing. Collaborations with these organizations currently exist but could be expanded or leveraged to supplement City resources. The City will also work with the local faith community, both to facilitate the assistance they provide to residents in need and also to discuss potential housing opportunities. The passage of AB 1851 makes it much easier for churches and other religious institutions to build housing on their properties. The City will support such efforts in the event they are proposed in Albany. Collaborations and partnerships could also be pursued with local and regional Community Land Trusts (CLTs). These non-profit organizations acquire properties and create affordable resident-owned cooperatives. The City's role would be to provide technical assistance, facilitate permitting when applications are received, and advise CLTs of opportunities in Albany.

Commitment: Coordinate with local and regional nonprofit housing advocacy groups, volunteer organizations, local service organizations, the faith community, and other community-based organizations to supplement staff resources, identify potential new housing opportunities, and support housing initiatives.

Timing: Annual outreach to housing advocates

Part 2: Additional Key Programs for Implementation:

In addition to the programs outlined by HCD (above), staff has identified five (5) additional programs of high priority to include in the initial implementation work plan given potential impacts and related program topics.

- ***Program 2.C Revisions to Inclusionary Zoning Ordinance***

Description: Albany adopted an Inclusionary Zoning Ordinance in 2005. The intent of the ordinance is to ensure that affordable units are included in market-rate development projects and applies to all projects with five units or more. The City should conduct an evaluation of the ordinance and consider potential revisions that would advance the City's overall affordable housing program. This could include raising the percentage of affordable units from 15 to 20 percent, requiring that a certain percentage of inclusionary units be fully ADA accessible, or providing variable percentage requirements based on factors such as the number of bedrooms in the affordable units (e.g., lower below market rate requirements might be accepted if more three-bedroom "family" units are provided. See also Program 3E.).

The evaluation should include consultation with local builders and developers to understand the economic impacts of increasing the percentage requirement and its likely impacts on construction and market rate housing costs. It should also include consultation with the community, affordable housing developers, housing advocates, and neighbors. Potential impacts on project size and scale also should be considered, including the potential for greater density bonuses for projects with deeper levels of affordability.

Revisions to the Ordinance should be considered based on the evaluation. As part of the Ordinance update, the City should consider extending in-lieu fee requirements to projects with three and four units, which are currently exempt.

Commitment: Conduct an evaluation of the City’s inclusionary housing program to ensure it is achieving its intended goals. The City should consider modifications that increase the number of affordable units produced by the program, while maintaining strong incentives for providing below market rate (BMR) units on-site.

Timing: Complete evaluation in 2023. Revise Ordinance in 2024.

- ***Program 3.H Emergency Shelter, Low Barrier Navigation Centers, and Single Room Occupancy (SRO) housing, and Employee Housing***

Description: The City amended its zoning regulations in January 2014 to permit emergency shelters by right in the Commercial Mixed-Use and San Pablo Commercial zoning districts. AB 101 (2019) requires cities to also allow low barrier navigation centers (LBNCs) in all mixed-use districts, provided they meet certain criteria. These criteria include the use of a coordinated entry system, and the use of a “housing first” model for clients. LBNCs must provide access to permanent housing and must reduce barriers to entry such as allowing pets, partners, storage of personal items, and privacy. They should be permitted “by right” in the San Pablo Commercial (SPC) and Solano Commercial (SC) zones.

Albany’s residential “use tables” (the tables listing allowable housing types in each zone) do not currently list employee housing. California Health and Safety Code 17021.5 indicates that when employees (including farmworkers) are housed in a single-family home, that home is subject to the same rules that apply to all other single-family homes in that zoning district. This should be codified through an amendment to the Albany Municipal Code.

SROs are currently a conditional use in the SPC zone. The City should consider also conditionally allowing them in the SC zone or allowing them by right in both zones. Well-managed SROs with supportive services can be a helpful resource for people transitioning out of homelessness and others with extremely low incomes.

Commitment: Continue to allow emergency shelter by right (e.g., without a Conditional Use Permit) in the Commercial Mixed Use (CMX) zoning district and the San Pablo Commercial (SPC) zoning district. As required by State law (AB 101), amend the zoning code to also allow Low Barrier Navigation Centers in the SPC and SC (Solano Commercial districts) and recognize employee housing as a residential use. In addition, consider allowing SROs by right in the SPC and SC zones.

Timing: Complete zoning amendments by end of 2023

- ***Program 5.C Rent Review***

Description: The City started a rent review and non-binding conciliation and mediation program in 2018. The ordinance regulates most residential rental units in Albany and provides a mediation process for qualifying rent increases. Housing provider participation in the rent review process is mandatory, but all recommendations are non-binding.

Housing providers were required to register all rental units with the City starting in November 2018. From that time forward, housing providers have also been required to inform tenants of the availability of the rent review procedure in English, Spanish, and Chinese. Requests for rent

review may be provided using a form developed by the city. The program does not limit rent increases but does establish a two-step process for tenants to appeal rent increases that exceed 5 percent over a one-year period.

The City has contracted with ECHO Housing to administer the program. After receiving a rent review request, ECHO Housing contacts the housing provider, and begins a two-step process involving conciliation and mediation. Disputes are often resolved during the conciliation phase. Mediation is used when necessary. These are mandatory processes, and the rent increase becomes void if the housing provider does not participate. Feedback from tenant advocates received during the Housing Element update suggested that some tenants found the process intimidating and suggested that a rent control program was preferable.

Feedback from housing providers indicated that the process was working as intended, that it was rarely used, and that the limits on rent increases adopted by the State in 2019 were adequate to protect tenants. By the end of 2023, the City will complete an evaluation of the existing program, including data on the number of cases and their outcomes. The findings of the evaluation will be presented to the City Council for discussion, along with recommendations for addressing any identified deficiencies or replacing the program with new tenant protection measures. In the interim period, awareness of the program among housing providers and tenants should be increased.

Commitment: Conduct an evaluation of the rent review and non-binding conciliation and mediation program established in 2018. Use the findings of this evaluation to either make the program more effective or replace it with more effective measures. Seek input from both housing providers and tenants in this process.

Timing: Complete evaluation of existing program by end of 2023. Prepare report for City Council consideration including options for addressing program deficiencies or replacing the program.

- ***Program 5.F Affirmatively Furthering Fair Housing (AFFH) Education and Historic Context***

Description: The City will work with the School District, non-profit partners, other communities, and local interest groups to expand awareness of the history of housing discrimination in Albany and other East Bay communities. This includes technical support for research projects, advertising of events on the City's website, and participation in programs and conversations that may be organized around this topic. This includes education on historic "redlining" practices, the history of Codornices Village (now UC Village), as well as past covenants, codes, restrictions, and lending practices that contributed to segregation and limited access to home ownership among minority groups.

Commitment: Increase awareness of the history of housing discrimination in the East Bay, including Albany. Work with local community organizations and interest groups to provide historic context.

Timing: Implement by the end of 2023

- ***Program 5.H Equitable, Inclusive Outreach***

Description: The intent of this program is to express the City’s commitment to work toward more inclusive methods of outreach and engagement. While the focus is on housing programs and conversations, it applies more broadly to other aspects of long-range planning, such as land use, transportation, and climate action planning. The program includes outreach to groups and individuals that have not historically been engaged or felt comfortable engaging in conversations about housing conditions, issues, and development issues, with a particular emphasis on renters and lower-income residents. It includes direct outreach to S affinity groups, and organizations such as Albany Thrives Together, Albany Tenants Union, and other groups that may be created over the planning period.

Language access is an important part of this program. This includes providing printed and web-based materials in Spanish and Chinese, providing translation services as appropriate at community meetings on housing, and working to provide outreach that is responsive to the needs and preferences of each community or cultural group.

Commitment: Implement strategies designed to increase participation and give a greater voice to tenants, lower-income residents, racial and ethnic minorities, persons with disabilities, non-English speakers, and other groups who face particular housing challenges or have been under-represented in discussions of housing issues and solutions.

Timing: Communications Strategy by 2024. Survey and Town Hall meeting in 2023. Affinity Group outreach starting in Fall 2023.



Housing Element Implementation Review Session

City Council
October 2, 2023

PUSPOSE OF TONIGHT'S MEETING

Review and accept comments
on proposed
Housing Element Program Implementation Plan

BACKGROUND

Housing Element establishes a framework for the city's policies and programs for meeting local housing needs



HOUSING ELEMENT ACTION PLAN

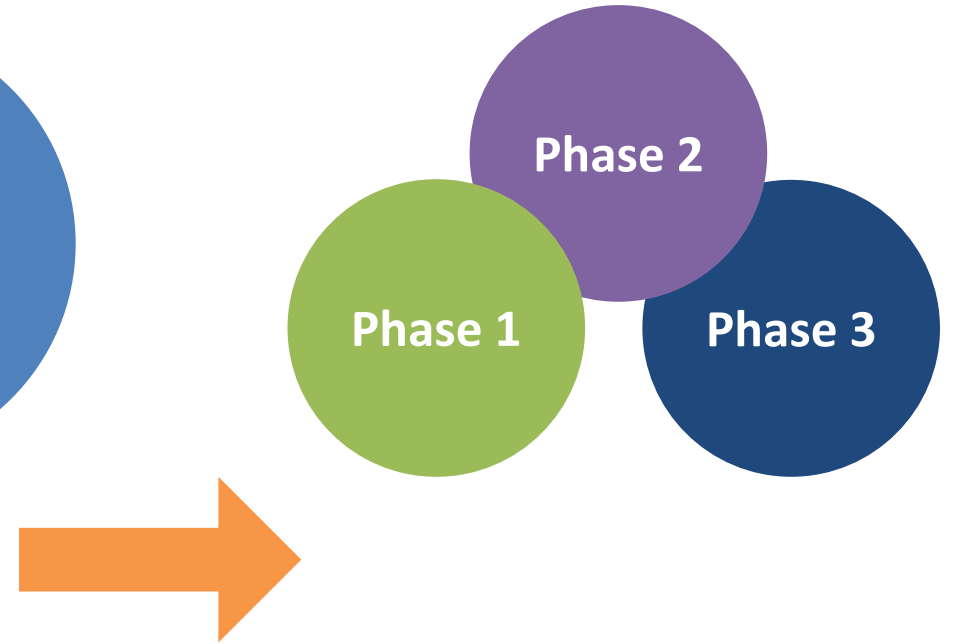
Goals

1. Equitable Access to Housing
2. Housing Production
3. Implementation Programs
4. Special Housing Needs
5. Reducing Housing Constraints, Fair Housing and Housing Security
6. Housing Resources and Administration

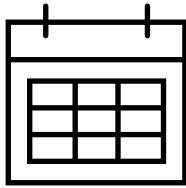
Programs



Initial Implementation Plan



PRIORITIZATION



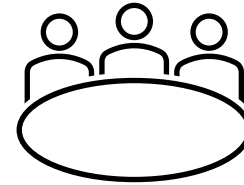
Timing Outlined in Housing Element

Focus on programs
with timing listed for
2023/2024



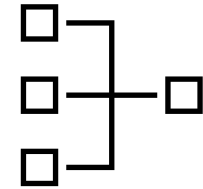
Priority Grouping from HCD

10 programs
across all six (6)
Housing Element
Goals



Community Interest and Need

Topics and programs
raised during
previous and
ongoing
engagement



Efficiencies Across Topics

Grouping related
and complimentary
programs for
greater impact

OUTREACH AND ENGAGEMENT

- Albany Renter Survey
- Preliminary Outreach Group Discussions
 - Albany Property Rights Association (APRA)
 - Albany Thrives Together (ATT)
- Other Jurisdiction staff interviews

奥尔巴尼租户调查问卷

敬爱的奥尔巴尼租客：

奥尔巴尼市邀请您参与本次调查。调查结果将帮助市政府做出未来有关住房计划的重要决策，并了解如何最好地支持本市的租房者。

答案没有正确或错误之分，您的回答将完全匿名。该调查问卷将持续到 2023 年 9 月 10 日。感谢您抽出时间并填写问卷！

完成的调查可以寄送至：

- 奥尔巴尼社区中心 (1249 Marin Ave, 上午 8:30 - 下午 5:00)
- 奥尔巴尼老年人中心 (846 Masonic Ave, 上午 8:30 - 下午 5:00)
- 奥尔巴尼市政府社区发展部 (1000 San Pablo Ave, 周一至周四上午 12:00, 下午 1:15 - 5:00, 周五上午 8:30 - 12:00)

有问题或疑虑吗？联系 com-dev@albanyca.org 或致电 (510) 528-5760 感谢您抽出时间并完成调查！

1. 以下哪一项描述了您？
 - 我住的房子是租的
 - 我拥有一处出租给一个或多个租户的房产 (请直接跳至第 19 题)
 - 其他 (请注明) : _____
2. 您如何形容您租的房子？
 - 独栋房屋
 - 两单位房屋/三单位房屋/四单位房屋
 - 公寓楼 (非大学)
 - 公寓楼 (大学村宿舍)
 - 附属住宅 (姻亲单位、车库单位等)
 - 出租房间
 - 其他 (请注明) _____
3. 您是如何找到现在的住家的？



ALBANY RENTER SURVEY

The City of Albany invites all Albany renters to participate in this survey! The survey results will help the City make important decisions about future housing policies, regulations, and programs; and understand how to best support renters in the city.

There are no right or wrong answers, and your responses will remain *completely* anonymous. The survey will remain open until September 10, 2023. Completed surveys can be dropped off at:

- Albany Community Center (1249 Marin Ave, 8:30 AM - 5:00 PM)
- Albany Senior Center (846 Masonic Ave, 8:30 AM - 5:00 PM)
- Albany City Hall, Community Development Department (1000 San Pablo Ave, 8:30 AM - 12:00 PM, 1:15 - 5:00 PM Mon-Thurs, 8:30 AM - 12:00 PM Fri)

Questions or concerns? Reach out to com-dev@albanyca.org or call (510) 528-5760 Thank you for your time and for completing the survey!

1. Which of the following describes you?

- I rent my home
- I own a property that is rented out to one or more tenants (please skip to Question 19)
- Other (please specify): _____

2. How would you describe the home you rent?

- House
- Duplex/ Triplex/ Fourplex
- Apartment Building (non-University)
- Apartment Building (University Village)
- Accessory Dwelling Unit (in-law apartment, garage apartment, etc.)
- Rented Room
- Other (please specify) _____

3. How did you find your current home?

- Advertisement (Craigslist, Facebook, Zillow, etc.)
- Agency or broker
- Referred by a tenant or former tenant in the building
- University of California
- Word of mouth/ a friend
- I know the landlord
- Other (please specify) _____

IMPLEMENTATION PHASING

DRAFT PHASING FOR IMPLEMENTATION

PHASE I

- Just Cause for Eviction (5.D)*
- Non-Discrimination and Anti-Harassment (5.D) *
- Rent Stabilization (5.D) *
- Rent Review (5.C)
- Access to Legal Counsel (5.D) *

DRAFT PHASING FOR IMPLEMENTATION

PHASE II

- Relocation Assistance (5.D)*
- ADU Affordability Incentives (1.J) *
- Measure K Modifications (2.B) *
- San Pablo Avenue Specific Plan Monitoring and Implementation (2.D) *
- Revisions to Inclusionary Zoning Ordinance (2.C)
- Collaboration with Non-Profits (6.E) *

DRAFT PHASING FOR IMPLEMENTATION

PHASE III

- Feasibility of Local Housing Voucher Program (5.D)*
- Single-Family Zoning Reform (1.A)*
- R-2 Zoning District Changes (4.B)*
- Residential Care Facilities (3.D)*
- Developmental Disabilities (3.E)*
- Emergency Shelter Emergency Shelter, Low Barrier Navigation Centers, and Single Room Occupancy (SRO) housing, and Employee Housing (3.H)

RECOMMENDATION & NEXT STEPS

Staff recommends that the Council consider and provide comment on the proposed initial phased implementation plan of the 2023-2031 Housing Element.

Commence action upon assent from Council

Individual action item evaluations to be brought to Council for consideration and decision

Resource assessment:



RECUSED COMMENT ITEMS

PHASE I

- Just Cause for Eviction (5.D)*
- Non-Discrimination and Anti-Harassment (5.D) *
- Rent Stabilization (5.D) *
- Rent Review (5.C)
- Access to Legal Counsel (5.D) *

PHASE II

- Relocation Assistance (5.D)*

PHASE III

- Feasibility of Local Housing Voucher Program (5.D)*

GENERAL COMMENT ITEMS

PHASE II

- ADU Affordability Incentives (1.J) *
- Measure K Modifications (2.B) *
- San Pablo Avenue Specific Plan
Monitoring and Implementation (2.D) *
- Revisions to Inclusionary Zoning
Ordinance (2.C)
- Collaboration with Non-Profits (6.E) *

PHASE III

- Single-Family Zoning Reform (1.A)*
- R-2 Zoning District Changes (4.B)*
- Residential Care Facilities (3.D)*
- Developmental Disabilities (3.E)*
- Emergency Shelter Emergency Shelter, Low
Barrier Navigation Centers, and Single Room
Occupancy (SRO) housing, and Employee
Housing (3.H)

ADDITIONAL INFORMATION

INITIAL SURVEY REVIEW

Survey Reach

Just over
400 responses

77% self-identified
Albany renters

Initial Takeaways

~**50%** of respondents self-reported as **rent burdened***
(paying 30 – 50% of income on housing expenses)

~**25%** of respondents self-reported as **severely rent burdened****
(paying over 50% of income on housing expenses)

~**25%** of respondents reported **experiencing a rent increase of over 10%** within a one-year period in Albany

*Greater than ACS 2019 Estimate (27%)
**Comparable to ACS 2019 Estimate (25%)