

**CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT**

Agenda date: 5/12/09

Prepared by: AC

Reviewed by: JB

**ITEM #:** 6b

**SUBJECT:** Review of Draft Housing Element.

---

**STAFF RECOMMENDATION**

Take public testimony, discuss the draft document and provide direction to staff on appropriate revisions.

**BACKGROUND/PROJECT DESCRIPTION**

State law mandates that all local governments prepare and maintain policies to address the state's housing needs. From the City's perspective, one of the most significant components of state policy is the requirement that the City adopt and maintain a Housing Element as a chapter of its General Plan. The Housing Element specifies policies necessary to attain the City's allocation of housing.

The City of Albany's most recent adopted Housing Element was approved in 1992 as part of the comprehensive update to the City's General Plan. Since that time, draft updates have been prepared by the City and reviewed by the State Department of Housing and Community Development (HCD). The recent updates, however, have not been formally adopted by the City nor approved by HCD.

**Regional Housing Needs Allocation**

The City's Regional Housing Needs Allocation for new residential units is 276 units, which is determined by the Bay Area Association of Governments. Once appropriate sites are selected, a land inventory and analysis section must be provided as part of the housing element. The purpose of the land inventory is to identify specific vacant and non-vacant sites suitable for residential development in order to meet Albany's regional housing need allocation. The inventory will assist in determining whether there are sufficient sites to accommodate the regional housing need and what, if any, policies, need revision in order to provide the required housing.

**March 31, 2009 Community Workshop**

On March 31, 2009, there was a community roundtable discussion about the 2009 Housing Element Update. Community members and Planning and Zoning Commissioners sat at tables in small groups, and discussed the possible sites in Albany for residential redevelopment. The

goal was to find some combination of sites to achieve our Regional Housing Needs Allocation of 276 units. At the end of the session, each group presented their preferred sites, providing guidance to staff on how to proceed with preparing the draft Housing Element Update. Attached is a summary of the discussion at the workshop (Attachment 1).

### **Public Noticing**

In preparation for the Commission's discussion, post card notices were sent out to property owners and residents in the neighborhoods identified in the draft housing element. The purpose of the notice was to allow property owners and neighbors an opportunity to provide feedback in the early stages of the draft Housing Element. Staff has since received a number of requests for more detailed information; however, no specific concerns or objections have been expressed.

### **Next Steps**

Based on the community workshop, staff has prepared a rough draft of the key portions of the housing element, which include the sites that were suggested in the workshop as optimal site for housing (Attachment 2). A key step in the process of preparing a housing element is review by the State Department of Housing and Community Development Department, and staff believes that it is important to provide HCD a draft in the near future to gain feedback on appropriate revisions.

Staff recommends that the Commission provide feedback on the Draft Housing Element; however, focus on the proposed housing sites and direct staff to make any revisions deemed appropriate. It is common for HCD to request a series of revisions during review of the draft. Staff, therefore, believes it most beneficial to allow HCD to comment on the draft and then have public discussions once revisions based on HCD comments have been made. It is possible that the draft provided for this discussion may change substantially based on HCD feedback.

### **Attachments:**

1. Draft Housing Element
2. California Housing and Community Development Analysis of Sites and Zoning

# *City of Albany*



## **General Plan Housing Element**

**Draft for Planning and Zoning Commission  
Review  
May 12, 2009**

**INTRODUCTION: THE HOUSING ELEMENT FRAMEWORK .....3**

**PART 1 – REVIEW OF PREVIOUS HOUSING ELEMENT .....6**

    PROGRESS TOWARD MEETING 1992 HOUSING ELEMENT GOALS AND OBJECTIVES.... **ERROR! BOOKMARK NOT DEFINED.**

    UNACCOMODATED HOUSING NEEDS..... 10

**PART 2 – ASSESSMENT OF HOUSING NEEDS .....13**

    POPULATION, EMPLOYMENT, AND HOUSING CHARACTERISTICS..... 13

    OVERPAYMENT AND OVERCROWDING..... 16

    EXTREMELY LOW-INCOME HOUSEHOLDS HOUSING NEEDS ..... 19

    HOUSING STOCK CHARACTERISTICS .....20

    PERSONS WITH SPECIAL HOUSING NEEDS ..... **ERROR! BOOKMARK NOT DEFINED.**

    OPPORTUNITIES FOR ENERGY CONSERVATION ..... **ERROR! BOOKMARK NOT DEFINED.**

    IDENTIFICATION AND ANALYSIS OF DEVELOPMENTS AT-RISK OF CONVERSION..... **ERROR! BOOKMARK NOT DEFINED.**

**PART 3 - REGIONAL HOUSING NEEDS ALLOCATION.... ERROR! BOOKMARK NOT DEFINED.**

**PART 4 – ANALYSIS OF CITY POLICIES .....ERROR! BOOKMARK NOT DEFINED.**

## **Introduction: The City and its Housing Element Framework**

---

The City of Albany's is located on the eastern shoreline of the San Francisco Bay, directly east of the Golden Gate Bridge. Surrounded by the San Francisco Bay to the west, the Berkeley Hills to the East, and the communities of Berkeley, El Cerrito, Kensington, and Richmond. Albany is 1.7 square miles located next to the University of California, Berkeley. It is a small city of close to 17,000 residents, located within the greater San Francisco Bay area. Albany today combines a small-town ambience with its central location in a major metropolitan region. There are two main commercial streets and thoroughfare, San Pablo Avenue and Solano Avenue. Aside from these two streets the city is primarily composed of single-family homes with multi-family corridors spread through on the city.

The city is located in one of the highest cost of living metropolitan areas in the country thus faces the same obstacles to affordable housing as experienced by many other bay area cities. In the past, the lack of affordable housing in the city was primarily a problem for low- and very low-income residents and for people with special needs. Today a large number of people cannot afford to purchase the median price home in this City or region (\$\_\_\_\_\_ in \_\_\_\_\_, according to California Association of Realtors) and a large number of working people cannot afford any housing in the region—rental, or for sale. The city is relatively “built out” in that there is very few undeveloped parcels thus strategies for affordable housing need to have this variable in consideration.

It is also clear that the aging population has been growing and the need and demand for increased housing options for elderly and disabled people will continue to grow as the “baby boom” population (born 1945-1965) reaches retirement age.

State law mandates that all local governments prepare and maintain policies to address the state's housing needs. From the City's perspective, one of the most significant tools for establishing and implementing housing related policies is the adoption and Housing Element as a chapter of its General Plan. The Housing Element evaluates existing demographics, housing conditions and needs as well as projects future needs and specifies policies. This is necessary not only attain the City's allocation of housing but to provide more housing opportunities to the community and others who would like to live in the city.

The City of Albany's most recent adopted Housing Element was approved in 1992 as part of the comprehensive update to the City's General Plan. Since that time, the City has continued to discuss and update housing policies by preparing draft updates, which have reviewed by the State Department of Housing and Community Development (HCD). The recent updates, however, have not been formally adopted by the City nor approved by HCD.

The City's Housing Element includes the required four main sections, along with additional section not required but of special interest. The following are the four required sections:

1. Review of the previous Housing Element;
2. Assessment of housing needs;
3. Inventory of Potential Sites for housing development; and
4. Analysis of City regulatory framework related to developing housing.

The approval process includes compliance with California Environmental Quality Act requirements and review of a draft Housing Element by the State HCD. Implementation of the Housing Element will be primarily the responsibility of the City Council, the Planning and Zoning Commission, and the City Community Development Department.

### **Housing and Community Development Department Review**

California Government Code Section 65585 requires the City to submit a draft Housing Element and an adopted Housing Element to HCD for review. HCD will review the draft and report its findings to the jurisdiction. The City is required to respond to the HCD comments. In the preparation of its findings, HCD may consult with any public agency, group, or person and must consider any third party comments regarding the draft or adopted element or amendment under review. After City adoption of the element, the City is required to submit the approved Housing Element to HCD for certification.

### **Public Participation**

California Government Code 65583(c)(7) requires the City to make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element. A detailed description of this effort should be prepared at the end of the preparation of the draft Housing Element, which would describe:

- Effort to include all economic segments of the community and/or their representatives in the development and update of the housing element;
- How public participation was encouraged (types of outreach, meetings, etc.) throughout the development and implementation of the housing element process;
- Who was invited to participate, which groups actually participated, general comments received and how comments were incorporated into the housing element; and

- Ongoing efforts to engage the public and stakeholders in the implementation of the housing element.

## **Part 1 – Review of Previous Housing Element**

---

*Government Code Section 65588 requires: "Each local government shall review its housing element as frequently as appropriate to evaluate all of the following: (1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal. (2) The effectiveness of the housing element in attainment of the community's housing goals and objectives. (3) The progress of the city, county, or city and county in implementation of the housing element."*

The 1992 Housing Element included the following goals and policies (Please note that the policy numbering corresponds with the policy numbering in the adopted 1992 Housing Element).

### **HOUSING GOAL 1: PRESERVE, MAINTAIN AND IMPROVE ALBANY'S EXISTING HOUSING STOCK.**

- Policy 1.1 Continue to participate in housing rehabilitation programs and pursue other funding to rehabilitate older housing and, where feasible, to retain a supply of low- and moderate-income housing units. Existing affordable housing in Albany should be conserved. (Albany's affordable housing includes the 920 student housing units in the U.C. Albany Village, 103 existing legal second units, the 245 units in the commercial area on Solano and San Pablo Avenues, and the estimated 1, 226 units in apartment buildings with more than 10 units. It should be noted that some of the 245 units on Solano Avenue are in apartment buildings of 10 or more units.)
  - Progress: Currently, the City of Albany has exceeded the goals set out in this policy. Between 1988-1998, 67 low-income households received housing rehabilitation loans. By utilizing CDBG funding, the City will continue to work with Alameda County HCD to support the housing rehabilitation program, and progress towards the goals of the 2009 Housing Element. The City will have a quantitative objective of 5-8 rehabilitated units per year.
  
- Policy 1.2 Continue to limit conversion of existing multi-family residential units to condominiums. Limited equity cooperatives and other innovative housing proposals that are affordable to low and moderate-income households are encouraged.
  - Progress: The Planning Department has updated the City's Zoning Ordinance, and has placed a limit on the number of rental units that can be converted to condominiums. No more than 3% of the City's total multi-family rental housing stock each year can be eligible for conversion.



- Policy 1.3 Strengthen programs to upgrade and maintain a safe and sound housing stock.
  - Progress: By utilizing revenues from building permits and code enforcement surcharges, the Building and Planning Department has implemented a program to ensure building and housing code enforcement. Because the City does not have a full-time code enforcement officer, the enforcement program relies on notification from citizens of potential housing code or safety violations. However, Building Inspectors and the Planning Staff have worked together to successfully enforce code requirements and issue stop-work orders when needed. This program will be continued in the 2009 Housing Element.
  - In addition, the City has expanded its fire code program to include annual fire inspections for all multi-family projects with 3 or more units. Funding for this program comes from a Rental Unit Inspection Charge and an Apartment License Tax. The program will be continued in the 2009 Housing Element, possibly expanding to include fire inspections for single-family and duplex units.
  
- Policy 1.4 Encourage construction of new rental housing.
  - Progress: City Staff keeps the public informed on the availability of funding for the construction of rental housing. Staff regularly distributes and posts housing-related information that is disseminated by the County HCD and other housing agencies and advocacy groups. The City will continue this program, and will work towards a more comprehensive public information program.

**HOUSING GOAL 2 - PROVIDE A VARIETY OF HOUSING TYPES, DENSITIES, DESIGNS AND PRICES WHICH WILL MEET THE EXISTING AND PROJECTED NEEDS OF ALL ECONOMIC SEGMENTS OF THE COMMUNITY WHILE MAINTAINING AND ENHANCING THE CHARACTER OF EXISTING DEVELOPMENT.**

- Policy 2.1 Encourage the construction of housing affordable to very low-, low-, and moderate-income households consistent with the regional fair share goals and income levels of current and future Albany residents.
  - Progress: The City provides incentives to encourage the development of very-low, low, and moderate income housing by reducing development fees for certain proposals. The City has also adopted an inclusionary housing program which requires developments of ten or more units to include 15% of proposed units be made affordable to low-income households. In addition, the City has enacted a density bonus program, which allows projects to have an increased density if they include a certain amount of affordable housing.

- The City has continued to participate in the HCD Mortgage Credit Certificate program, which assists moderate-income, first-time homebuyers.
  - Albany's parking requirement still serves as a hindrance to affordable housing within the City. The present City Council has discussed reviving the ballot resolution to reduce parking requirements for senior and multi-family housing projects.
- Policy 2.2 Review zoning densities and development standards on Albany Hill to protect the character and natural qualities of The Hill and strengthen environmental protection.
  - Progress: The Albany Hill Specific Plan has not been updated because there is only one large parcel of undeveloped land remaining on the Hill, Albany Hill West. The most efficient way to provide future development objectives for this site, including the potential for affordable housing, will be through the Housing Element programs and project-level analysis rather than through a Specific Plan revision.
- Policy 2.3 Revise the C-E District boundaries to reduce the potential conversion of residential units for commercial use.
  - Progress: The eight blocks along Kains and Adams streets, which were formerly C-E areas, have been rezoned to R-3.
  - The City has also rezoned the C-E and C-2 areas to be San Pablo Commercial areas. This designation promotes mixed-use development, with commercial at the ground floor and residential uses on upper floors. The residential densities are consistent with the R-3 district. Two mixed-use projects including multi-family units were approved on San Pablo Avenue in 2001: 12 apartments over commercial at 701 San Pablo, and 21 condominiums above commercial at 914-916 San Pablo.
- Policy 2.4 Encourage development of secondary dwelling units, balancing the need for increased affordable housing with the need to provide parking and protection of existing neighborhood character.
  - Progress: Many new secondary units have been approved and constructed since the last Housing Element. Between 1991-1995, 13 units were approved and built.
- Policy 2.5 Encourage development of rental housing above commercial development along Solano Avenue.
  - Progress: The rezoning to San Pablo Commercial has encouraged mixed-use development along this street, including the 12-unit rental housing project on San Pablo in 2001. Solano Avenue continues to provide mixed-use, rental housing as well.

**HOUSING GOAL 3 - EXPAND HOUSING OPPORTUNITIES FOR THE ELDERLY, THE DISABLED, THE HOMELESS, AND OTHER PERSONS WITH SPECIAL HOUSING NEEDS.**

- Program 3.1: Participate in and support Alameda County and Statewide efforts to increase the available funding for senior housing projects.
  - Progress: There is currently a proposal under review to develop a senior housing project at University Village. In addition, the 2009 Housing Element will provide specific actions to support senior housing development within the City.
  - The City has also revised the Zoning Ordinance to require that a percentage of new units in multi-family or townhouse projects be accessible to disabled residents.
  
- Policy 3.3 Review the Zoning Ordinance so that emergency and transitional housing is permitted within the multi-family and commercial districts as an explicit use.
  - Progress: The City has revised the Zoning Ordinance so that emergency and transitional housing is permitted within the multi-family and commercial districts. The City will also continue to make financial contributions to many agencies that assist with emergency and transitional housing.

**HOUSING GOAL 4 - PROMOTE HOUSING OPPORTUNITIES FOR ALL PERSONS REGARDLESS OF AGE, RACE, MARITAL STATUS, ANCESTRY, FAMILY STATUS (PRESENCE OF CHILDREN), DISABILITY, NATIONAL ORIGIN, OR COLOR.**

- Program 4.1: Continue to participate in Operation Sentinel through the Alameda County Department of Housing and Community Development. Publicize these services in the quarterly Albany Newsletter and on leaflets at City Hall, the Albany Library, the Albany Senior Center and other important social centers in the City.
  - Progress: The City routinely posts and distributes housing information it receives from the County and other agencies, and will continue to do this.
  
- Policy 4.2 Continue to support landlord-tenant dispute resolution and housing counseling services provided by organizations such as Operation Sentinel.
  - The City routinely posts and distributes housing information and makes financial contributions through Alameda County HCD. (This Policy will be combined with Policy 4.1 due to their similarity).

### ***Unaccommodated Housing Needs***

As part of the Housing Element process, the City must evaluate whether there is any unaccommodated need from the previous housing element. The analysis involves evaluating the number of units constructed since the beginning of the previous planning period, and an analysis of units that could be accommodated on sites not yet developed.

Overall, the City was required to provide sites adequate to accommodate 277 units of housing during the 1999 to 2006 planning period. It is estimated that 154 units were completed by the end of 2008, leaving 123 units not yet constructed. Using the sites identified in the 2002 draft Housing Element, there are sites adequate for 252 units. Thus, overall, the City has adequate sites to accommodate our previous allocation.

It is apparent that the actual development of affordable units has lagged behind the development of market rate units. There are a variety of explanations, including the relatively recent adoption of an inclusionary housing requirement (currently set at 15% of all units), lack of local funding for affordable housing, the University of California's emphasis on financial aid to students rather than financial subsidies for housing development, etc. These issues will be discussed in further detail.

**Table 1-1  
Unaccommodated Housing Need – 1999-2006 Allocation**

	<b>Very Low Income</b>	<b>Low Income</b>	<b>Moderate Income</b>	<b>Above Moderate Income</b>	<b>Total</b>
2001 Allocation	64	33	77	103	277

**Table 1-2  
Unaccommodated Housing Need – Units Constructed**

	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Units Constructed					
• Portland Gardens				12	12
• Albany Gardens				21	21
• Villa de Albany	2	2		21	25
• Creekside	3	13			16
• UC Village				56	56
• Other				24	24
Total Construction	5	15		134	154

**Table 1-3  
Unaccommodated Housing Need – Available Sites**

	Very Low Income*	Low Income*	Moderate Income	Above Moderate Income	Total
Previously ID'd Sites Available					
• San Pablo Infill	3	3		38	44
• Albany Bowl	6	6		73	85
• Albany Hill	8	8		96	112
• Other				11	11
Total Available	17	17		218	252

**Table 1-4  
Unaccommodated Housing Need – Summary Calculation**

	<b>Very Low Income</b>	<b>Low Income</b>	<b>Moderate Income</b>	<b>Above Moderate Income</b>	<b>Total</b>
Allocation	64	33	77	103	277
Total Construction	5	15		134	154
Total Available	17*	17*		218	252
Remaining Need	42	1	77	-249	-129

\*Expected to be generated by inclusionary housing ordinance.

# Part 2 – Assessment of Housing Needs

## Population, Employment, and Housing Characteristics

*Government Code Section 65583(a) requires “An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs”. This assessment includes an analysis of population and employment trends (GC 65583 (a)(1)) and household characteristics (GC 65583 (a)(2)).*

### Population Trends

Overall, the City of Albany population has grown modestly since 1990. Based on US Census and California Department of Finance data, the growth rate is generally in line with the patterns seen in El Cerrito and Berkeley, although in recent years, the growth rate of population in Berkeley has begun to increase.

**Table 2-1  
Population Growth Trends**

Year	Population	Numerical Change	Percent Change	Average Annual Growth Rate
1990	16,327			
2000	16,444	117	0.7%	0.1%
2005	16,677	233	1.4%	0.3%
2007	16,764	87	0.5%	0.3%

**Table 2-2  
Population Trends - Neighboring Jurisdictions**

	1990	2000	2007	% Annual Change	
				(1990-2000)	(2000-2007)
Albany	16,327	16,444	16,764	0.1%	0.3%
Berkeley	102,724	102,743	106,347	0.0%	0.5%
El Cerrito	22,869	23,171	23,194	0.2%	0.0%
Richmond	86,019	99,216	103,828	2.1%	0.7%

Table 2-3 shows a breakdown of population by age. The data shows that as a percentage of population, there has been an increase in school age children and an increase in the 45 to 59 age groups. It is reasonable to conclude that this data coupled with the high enrollment levels with the Albany School District and

recreational programs that there is has been an increase in popularity of Albany to families with children.

**Table 2-3  
Population by Age**

Age Group	1990		2000	
	Number	Percent	Number	Percent
0-9 years	2,276	13.9%	2,013	12.2%
10-19 years	1,552	9.5%	2,044	12.4%
20-24 years	1,070	6.6%	864	5.3%
25-34 years	3,480	21.3%	2,873	17.5%
35-44 years	3,248	19.9%	2,874	17.5%
45-54 years	1,556	9.5%	2,753	16.7%
55-59 years	499	3.1%	756	4.6%
60-64 years	529	3.2%	448	2.7%
65-74 years	1,074	6.6%	853	5.2%
75-84 years	815	5.0%	675	4.1%
85+ years	228	1.4%	291	1.8%
Median Age			36.3	

### Employment Trends

The City of Albany is primarily a residential community, and thus there have no dramatic changes in employment. As previously stated, there are two commercial streets in the city where most of the businesses are small, locally owned establishments. The larger employers in the City include:

- Local government including the City of Albany and Albany Unified School District.
- Other government facilities such as U.S. Department of Agriculture Western Regional Research Laboratory and the State of California's Orientation Center for the Blind
- Two major retailers, Target and Safeway
- Community institutions, St. Mary's High School.

Overall, using ABAG data shown in Table 2-4, the employment base in the City of Albany has increased 10.9% between 1990 and 2000, and is projected to slow to 4.6% growth between 2000 and 2010. The data indicates a notable drop in retail employment. It should be noted, however, that the data may not include the recent development of a Target store.



**Table 2-4  
Employment by Industry**

Industry Type			
	1990	2000	2010
Agriculture & Natural Resources:	40	80	60
Manufacturing, Wholesale & Transportation	410	380	350
Retail	860	710	730
Financial & Professional Services	2,420	970	1,030
Health, Educational, & Recreational		2,270	2,470
Other	950	780	790
<b>TOTAL</b>	<b>4,680</b>	<b>5,190</b>	<b>5,430</b>
Households	7,192	7,011	7,310
Jobs-Housing Balance	0.65	0.74	0.74

### **Job-Housing Ratio**

The “Job-Housing Ratio” is a measure used to measure the availability of housing for local employees. Overall, the amount of housing in the City far exceeds the number of jobs, thus many residents commute out of town to their jobs. The calculation of the City’s jobs-housing ratio indicates the City has seen a relatively healthy increase in employment, resulting in an increase of 0.65 jobs per household in 1990 to 0.74 in 2000. This jobs-housing ratio is projected to remain constant to 2010. It should be noted that the City of Albany should not be evaluated as a stand-alone economic area, but rather as part of the San Pablo Avenue/BART transit corridor in the East Bay, ranging from Oakland to Contra Costa County. With a five-mile radius, there are a number of major employers across a diverse range of industries. There are multiple modes of transit options, and as previously stated Albany is 1.7 square miles, which is substantially smaller than the surrounding cities; therefore, many of the jobs are not technically in the city but in close proximity.

### **Household Growth**

Since 1990, there has been a relatively modest amount of population growth in the City. There has been, however, a shift in the mix of rental to owner occupied housing (e.g., housing “tenure”). Table 2-5 inculcates that the number of rental households has decreased by 434 units between 1990 and 2000. Currently, the number of rental households closely matches the number of owner occupied households. There has not been a large number of condominium conversions in the City, thus it is assumed that the conversion to owner-occupied housing has occurred by single-family homes that at one time were investor-owned and have now been sold to families.

**Table 2-5  
Households by Tenure**

	1990		2000	
	Number	Percent	Number	Percent
Owner	3,299	45.9%	3,550	50.6
Renter	3,895	54.1%	3,461	49.4
TOTAL	7,194		7,011	

**Overpayment and Overcrowding**

*Government Code Section 65583(a) requires "...an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition", (Government Code 65583 (a)(2)).*

Identifying and evaluating existing housing needs are a critical component of the housing element. The analysis will help the City identify existing housing conditions that require addressing and households with housing cost burdens or unmet housing needs.

**Overpaying**

Housing is generally the greatest single expense item for California families. Current standards measure housing cost in relation to gross household income: households spending more than 30 percent of their income, including utilities, are generally considered to be overpaying or cost burdened. Severe overpaying occurs when households pay 50 percent or more of their gross income for housing.

While some higher-income households may choose to spend greater portions of their income for housing, the cost burden for lower-income households generally reflect a lack of affordable housing. Low-income households, who are overpaying for housing, frequently have insufficient resources for other critical essentials including childcare, healthy meals, and adequate health care.

In 1995, according to the American Housing Survey, 52 percent of California's low-income renter households paid more than half of their income for rent. 72 percent of very low-income renters paid more than half of their income for rent in 1995.

According to Census Bureau information, the majority of Albany residents have an income of at least \$50,000. For the most part, these residents are not overpaying for housing, both as renters and owners. However, Table 2-6 indicates that more than half of households earning less than \$50,000 are spending more than 35% of their income on housing.

**Table 2-6  
Housing Cost as a Percentage of Household Income**

<b>OWNER-OCCUPIED UNITS: SF3- H97</b>						
<b>Income Range</b>	<b>Total Households</b>	<b>% of Total Households</b>	<b>0-20% of HH Income</b>	<b>20-29% of HH Income</b>	<b>30-34% of HH Income</b>	<b>35+% of HH Income</b>
\$0-10,000	118	4.2%	0	0	12	84
\$10,000-19,999	135	4.8%	46	12	7	70
\$20,000-34,999	362	12.9%	130	62	18	152
\$35,000-49,999	278	9.9%	128	27	19	104
\$50,000 +	1,902	68%	672	612	192	235
<b>Subtotal</b>	<b>2,795</b>		<b>976</b>	<b>713</b>	<b>248</b>	<b>561</b>
<b>RENTER-OCCUPIED UNITS: SF3- H73</b>						
<b>Income Range</b>	<b>Total Households</b>	<b>% of Total Households</b>	<b>0-20% of HH Income</b>	<b>20-29% of HH Income</b>	<b>30-34% of HH Income</b>	<b>35+% of HH Income</b>
\$0-10,000	285	8.25%	0	0	0	168
\$10,000-19,999	392	11.3%	0	13	12	367
\$20,000-34,999	671	19.4%	32	164	119	326
\$35,000-49,999	609	17.6%	117	240	151	101
\$50,000 +	1,496	43.3%	908	494	45	7
<b>Subtotal</b>	<b>3,453</b>		<b>1,057</b>	<b>911</b>	<b>327</b>	<b>969</b>
<b>TOTAL</b>	<b>6,248</b>		<b>2,033</b>	<b>1,624</b>	<b>575</b>	<b>1,530</b>
<p><i>Source: U.S. Census, 2000 Population and Housing, Summary Tape File 3A- H73 and H97; Household Income in 1999 for specified renter-occupied housing units by gross rent as a percentage of household income, and Household Income in 1999 for specified owner-occupied units by selected monthly owner costs as a percentage of household income.</i></p> <p><i>Note: Some households are not accounted for; therefore, figures may slightly differ for other U.S. Census estimates for Total Households.</i></p>						

**Table 2-8  
Housing Problems for All Households  
Comprehensive Housing Affordability Strategy Data Book**

	Total Renters	Total Owners	Total Households
<b>Household Income &lt;=30% MEDIAN INCOME</b>	547	227	774
% Cost Burden >30%	79.5%	81.1%	80.0%
% Cost Burden >50%	59.2%	65.6%	61.1%
<b>Household Income &gt;30% to &lt;=50% MEDIAN INCOME</b>	417	261	678
% Cost Burden >30%	70.0%	43.0%	64.0%
<b>Household Income &gt;50% to &lt;=80% MEDIAN INCOME</b>	625	412	1,037
% Cost Burden >30%	56.5%	45.9%	52.3%

*Source: State of the Cities Data Systems: Comprehensive Housing Affordability Strategy (CHAS) Data.*

### **Overcrowding**

The Census defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens). Units with more than 1.5 persons per room are considered severely overcrowded. Overcrowding increases health and safety concerns and stresses the condition of the housing stock.

Statewide, between 1980 and 1990, the percentage of overcrowded households in California nearly doubled from 6.9 percent to 12.3 percent. This trend continued to 2000, with more than 15 percent of California households in overcrowded housing conditions. Roughly a quarter (24%) of renter households statewide were overcrowded. One quarter of all overcrowded renter households contained more than one family.

Within the City of Albany, based on data from the 2000 Census, there are nearly 500 households living in overcrowded conditions, with 81% in rental units.

**Table 2-9  
Overcrowded Households**

Persons per Room	Owner		Renter		Total Overcrowded	
	households	Percent	households	Percent	households	Percent
1.00 or less	3,517	98.8%	3,262	94.5%	6,530	93.1%
1.01 to 1.50	52	1.5%	197	5.7%	249	3.6%
1.51 or more	41	1.2%	191	5.5%	232	3.3%
<b>TOTAL</b>	<b>3,558</b>		<b>3,453</b>		<b>7,011</b>	
<b>% Overcrowded by Tenure</b>	<b>93</b>	<b>2.6%</b>	<b>388</b>	<b>11.2%</b>	<b>481</b>	<b>6.9%</b>

*Source: 2000 U.S. Census of Population and Housing, Summary Tape File 3A- H20 Tenure by Occupants per Room.*

***Extremely Low-Income Households Housing Needs***

*Government Code (GC) Section 65583(a) requires “ Documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low-income households (GC 65583 (a)(1))”.*

Pursuant to state law, the City may calculate the projected housing need for extremely low income (ELI) households by:

- A) Using available census data to calculate the percentage/number of very low-income households that qualify as ELI households; or
- B) Presume that 50 percent of very low-income households qualify as ELI households.

ELI households may require specific housing solutions such as:

- Deeper income targeting for subsidies;
- Housing with supportive services;
- Single-room occupancy (SRO's) and/or shared housing; and
- Rent subsidies (vouchers).

According to the Comprehensive Housing Affordability Strategy information, Albany contains 774 extremely low-income households, with over 70% of those living in rental units.

**Table 2-10  
Extremely Low Income Households**

	<b>Total Renters</b>	<b>Total Owners</b>	<b>Total Households</b>
<b>Household Income &lt;=30% Median Income</b>	547	227	774
Elderly	92	140	232
Large Households	14	14	28
Other	441	73	514

*Source: State of the Cities Data Systems: Comprehensive Housing Affordability Strategy (CHAS) Data*

**Housing Stock Characteristics**

*Government Code Section 65583(a) requires an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition, (Section 65583 (a)(2)).*

There are not any current estimates of the total number of substandard units in need of repair or demolition. A “substantially” substandard unit would be one that unit that requires replacement of several major systems and possibly other repairs (e.g., complete foundation work, roof structure replacement and re-roofing, as well as painting and window replacement). A dilapidated unit is defined as one suffering from excessive neglect, where the building appears structurally unsound and maintenance is non-existent, not fit for human habitation in its current condition, may be considered for demolition or at minimum, major rehabilitation will be required.

**Housing Stock Characteristics**

More than half of the housing stock in the City of Albany is more than 50 years old and more than a third was constructed before 1940. Building permits for structural and more than cosmetic improvements are common and expected due to the maturing housing stock.

**Table 2-11  
Year Structure Built**

<b>Year Built</b>	<b>Number</b>	<b>Percentage</b>
Built 1999 to March 2000	201	2.8%
Built 1995 to 1998	34	0.4%
Built 1990 to 1994	83	1.1%
Built 1980 to 1989	467	6.4%
Built 1970 to 1979	841	11.6%
Built 1960 to 1969	898	12.4%
Built 1950 to 1959	813	11.2%
Built 1940 to 1949	877	12%
Built 1939 or earlier	3,034	41.9 %
<b>Total</b>	<b>7,248</b>	

*Source: H34. Year structure built  
Data Set: Census 2000 Summary File 3 (SF 3)*

**Table 2-12  
Year Structure Built: Census Tracts**

<b>Census Tract #</b>	<b>1990-2000</b>	<b>1980-1990</b>	<b>1970-1980</b>	<b>1970-Earlier</b>	<b>Total Housing Units</b>
4201	6	6	18	912	942
4202	7	74	146	1,040	1,267
4203	98	369	561	1,082	2,110
4204	195	0	43	473	675
4205	6	6	34	945	991
4206	6	12	39	1,206	1,263
	318	467	841	5,658	7,248

*Source: H34. Year structure built  
Data Set: Census 2000 Summary File 3 (SF 3)*

**TABLE 2-13  
MEDIAN VALUE/RENT 1990-2000**

<b>Value/Rent</b>	<b>1990</b>	<b>2000</b>	<b>1990-2000 Percent Change</b>	<b>2007</b>	<b>2000-2007 Percent Change</b>
Median Home Value	\$239,600	\$334,800	39.7%	\$612,500	6.9%
Median Gross Rent	\$660	\$947	30.3%	\$1,083*	14.3%*

Sources:

*Census 2000*

*SF3-H76. Median value (dollars) for specified owner-occupied housing units.*

*SF3-H63. Median gross rent (dollars)*

*Census 1990*

*SF3- H061A. Median value - specified owner-occupied housing units*

*H043A. Median gross rent - specified renter-occupied housing units paying cash rent.*

*California Association of Realtors Trends 2007*

*\* 2007 American Community Survey 1-year estimates: data for the City of Berkeley. Information is not available for the City of Albany 2007 Median Gross Rents*

**Table 2-14  
Current Median Rents**

<b>BEDROOM TYPE</b>	<b>MEDIAN MARKET RENTS</b>
Studio	\$750-\$1,100
One-Bedroom	\$950-\$1,500
Two-Bedroom	\$1,100-\$1,800
Three-Bedroom	\$2,000-\$3,500

Source: Cal Rentals Typical Rent Ranges: <https://calrentals.housing.berkeley.edu>



**Table 2-15**  
**Regional Median Home Values**

City	Median Value		Percent Change
	Aug-07	Aug-08	
Emeryville	\$429,000	\$346,250	-19.3%
Oakland	\$583,750	\$310,000	-46.9%

Source: California Association of Realtors Trends (August 2007, 2008).

**Table 2-16**  
**Housing Units by Type**

Unit Type	1990		2000		Change	
	Number	Percent	Number	Percent	Number	Percent
Single-Family	3,959	53%	3,958	54.6%	-1	-1.6%
2-4 Units	778	10.4%	813	11.2%	35	.8%
5+ Units	2,659	35.6%	2,471	34%	-188	
Mobile Home & Other	74	.99%	6	.08%	-68	
Totals	7,469		7,248		-221	

Source: Census 1990 Summary Tape File 3 (STF 3) H020. Units in structure  
Census 2000 Summary File 3 (SF 3) H30. Units in structure

**Table 2-17  
Housing Units by Type-  
Department of Finance E-5 Report**

Unit Type	2000		2007		Change	
	Number	Percent	Number	Percent	Number	Percent
Single-Family	3958	54.5%	3982	54.1%	24	
2+ Units	3290	45.3%	3363	45.7%	73	
Mobile Home & Other	6	.08%	6	45.7%	0	
Totals	7254		7351		97	

*Source: Department of Finance E-5 County/State Population and Housing Estimates*

The bulk of housing development activity within the city has been associated with University Village, which is a 77-acre property owned by the University of California, and used for student housing. University Village has been used as student housing since the 1950s, and has undergone a phased redevelopment program beginning in late 1990s. In particular, the programmatic focus for University village is to provide housing to married students or students with children. Projects recently completed and currently underway have involved the demolition of old housing and construction of new multi-family units. University Village is part of the city; however, in some ways it is an independent entity due to the nature of its student population and segregated geographic location.

**Table 2-18  
Housing Permits Issued 1999- Current**

	Private	UC Village
1998		-356
1999		0
2000	0	391
2001	-1	0
2002	22	0
2003	12	0
2004	16	-196
2005	10	0
2006	3	42
2007	3	-149
2008 (est.)	33	324

*Source: City of Albany & University of California, Berkeley.*

**Table 2-19**  
**Pending Housing Developments**

<b>Developer/ Development Name</b>	<b>Number/Type of Units</b>	<b>Unit Size (sq. ft.)</b>	<b>Price Range</b>	<b>Status</b>
845 Cleveland	4			Under Construction
943 San Pablo	13			Pending
423 Talbot	12			Approved
Brighton & Cornell	4			Approved

*Sources: City staff*

According to 2000 Census Bureau information, Albany has 237 vacant units. A majority of the vacant units are rental properties. There are, however, 61 of these vacant units that have been either rented or sold but have not yet been occupied by the new tenants. It can be assumed that they will likely be occupied in a minimal amount of time.

**Table 2-20**  
**Vacancy Rates**

	<b>2000 Census</b>
Total:	7248
Occupied	7011
Vacant	237
For rent	91
For sale only	31
Rented or sold, not occupied	64
For seasonal, recreational, or occasional use	17
For migrant workers	0
Other vacant	34

*Source: Census 2000 Summary File 3 (SF 3) H6 Occupancy status, H8 = Vacancy status*

***Persons with Special Housing Needs***

*Government Code Section 65583(a)(7) requires "An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that either vacant or for which funding has been identified to allow construction during the planning period."*

Special needs are those associated with specific demographic or occupational groups, which in turn call for very specific housing policies. The statute specifically requires analysis of the special housing needs of the elderly, the disabled, female-headed households, large families, farmworkers and homeless persons and families. These special needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific needs or circumstances.

**Disabilities**

Census Bureau information shows that 13.3% of Albany’s population is living with a disability. This indicates that there is a significant need for housing to accommodate the needs of disabled persons in Albany. Table 2-22 also indicates that more than 40% of disabled persons in Albany are employed. The development of housing for this population should take into account their unique needs, such as transportation to work.

**Table 2-22  
Persons with Disability by Employment Status**

	<b>Number</b>	<b>Percent</b>
Age 21-64, Employed Persons with a Disability	873	5.6%
Age 21-64, Not Employed Persons with a Disability	362	2.3%
Persons Age 5-20 with a Disability	180	1.1%
Persons Age 65 Plus with a Disability	639	4.1%
<b>Total Persons with a Disability</b>	<b>2,054</b>	<b>13.3%</b>
<b>Total Population (Civilian Non-institutional)</b>	<b>15,417</b>	
<i>Source: Census Bureau (2000 Census SF 3: P42)</i>		

Special housing needs vary depending on the type of disability a person has. Table 2-23 shows that 25% of disabled persons in Albany aged 5-64 have some sort of employment disability. Large portions of disabled residents of all ages have some sort of physical disability.

**Table 2-23  
Persons with Disabilities by Disability Type**

	<b>Number</b>	<b>Percent</b>
Total Disabilities	3545	
Total Disabilities for Ages 5-64	2267	64%
Sensory Disability	166	4.7%
Physical disability	375	10.6%
Mental disability	345	9.7%
Self-care disability	88	2.4%
Go-outside-home disability	402	11.3%
Employment disability	891	25.1%
Total Disabilities for Ages 65 and Over	1278	36%
Sensory Disability	215	6%
Physical disability	423	11.9%
Mental disability	164	4.6%
Self-care disability	119	3.3%
Go-outside-home disability	357	10%
<i>Source: Census Bureau (2000 Census SF 3: P41)</i>		

**Elderly**

Table 2-24 shows that in Albany, the predominant portion of elderly residents own their home instead of renting it.

**Table 2-24  
Householders by Tenure by Age**

<b>Householder Age</b>	<b>Owners</b>	<b>Renters</b>	<b>Total</b>
65-74 years	423	89	512
75 plus years	573	130	703
TOTAL	996	219	1215
<i>Source: Census Bureau (2000 Census SF 3: H14 and P87)</i>			

Although most of the elderly residents in Albany own their home, of the residents who are renters, Table 2-25 shows that a large portion of them have an income below 50% of the area median income. In total, including both renters and owners, there are over 400 elderly households earning below 50% of the area median income.

**Table 2-25  
Elderly Households by Income and Tenure**

<b>Income Level</b>	<b>Elderly Owner Households</b>	<b>Elderly Renter Households</b>
Below 50% AMI	298	110
51% to 80%	239	45
Above 80%	452	69
<b>TOTAL</b>	<b>989</b>	<b>224</b>
Source: CHAS Data, Housing Problems		

**Large Households**

An analysis of the special housing needs for large households (households with 5 or more persons) should be considered. For instance, overcrowding can result of the lack of adequate housing. The jurisdiction should consider these impacts in designing appropriate programmatic responses.

Table 2-26 shows that in Albany, the majority of homes are smaller households (homes with less than 5 persons). Of the large households, 73.8% are owner-occupied.

**Table 2-26  
Household Size by Tenure**

	1-4 persons		5+ Persons		Total	
	Number	Percent	Number	Percent	Number	Percent
Owner	3,287	49.5%	271	73.8%	3,358	47.9%
Renter	3,357	50.5%	96	26.2%	3,453	49.25%
TOTAL	6,644		367		7,011	

*Source: Census Bureau (2000 Census SF 3: H17)*

According to CHAS data, most of the households in Albany (both large and small) are occupied by residents that have an income level above 80% of the area median income.

**Table 2-27  
Household Size by Income**

Income Level	1-4 persons		5+ Persons		Total	
	Number	Percent	Number	Percent	Number	Percent
Below 50% of AMI	1,413	21.4%	39	11%	1,452	20.9%
51% to 80%	1,023	15.5%	14	4%	1,037	14.9%
Above 80%	4,174	63.3%	280	80%	4,454	64.1%
TOTAL	6,593		350		6,943	

*Source: State of the Cities Data Systems, CHAS Data*

Table 2-28 indicates that the majority of owner-occupied households have two or three bedrooms. Renter-occupied households are predominantly one or two-bedroom houses. 280 homes in Albany have are studios, and of these, 250 of them are renter-occupied households.

**Table 2-28  
Existing Housing Stock  
Number of Bedrooms by Tenure**

Bedroom Type	Owner Households		Renter Households		All Households	
	Number	Percent	Number	Percent	Number	Percent
0 BR	30	.84%	250	7.2%	280	3.9%
1 BR	259	7.3%	1,134	32.8%	1,393	19.8%
2 BR	1,574	44%	1,721	49.8%	3,295	46.9%
3 BR	1,256	35%	326	9.4%	1,582	22.5%
4 BR	344	9.6%	16	.46%	360	5.1%
5+ BR	95	2.7%	6	.17%	101	1.4%
TOTAL	3,558		3,453		7,011	

*Source: 2000 Census (2000 Census SF 3: H42)*

## Female-Headed Households

An analysis of the special housing needs of female-headed households should consider the resources needed for adequate childcare or career development services.

Table 2-29 shows that 29% of households in Albany are Female-headed households, and 26% of these households have children under 18. There are 116 of female-headed households are under the poverty level. In Albany as a whole, 3.9% of households are living under the poverty level.

**Table 2-29**  
**Female Headed Households**

Householder Type	Number	Percent
Total Households	7,034	
Total Female Headed Householders	2,046	29%
Female Heads with Children under 18	531	7.5%
Female Heads without Children under 18		
Total Families Under the Poverty Level	277	3.9%
Female Headed Households Under the Poverty Level	116	1.6%
<i>Source: Census Bureau (2000 Census SF 3: P10 and P90)</i>		

## Farm workers

*Forthcoming*

**Table 2-30**  
**FARMWORKERS**

<b>Farm Operations with less than 10 employees</b>	
Permanent	
Seasonal (e.g. less than 150 days)	
<b>Total</b>	
<b>Farm Operations with 10 or More employees</b>	
Permanent	
Seasonal (e.g. less than 150 days)	
<b>Total</b>	
<i>Source: USDA 2002 Census of Farm workers, USDA &amp; COG</i>	

## Families and Persons In Need Of Emergency Shelters

*Forthcoming*

**Table 2-31**  
**Homeless Facilities**



Facility Type	Population Served	Permanent/ Seasonal	Current Bed #	Estimated Need	Unmet Need

**Opportunities for Energy Conservation**

*Government Code Section 65583(a)(7) requires “an assessment of housing needs and inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include the following: An analysis of opportunities for energy conservation with respect to residential development.”*

The goal of the energy conservation section is to analyze the opportunities to encourage the incorporation of energy saving features, energy saving material, and energy efficient systems, and design for residential development. Planning to maximize energy efficiency and incorporating conservation and green building initiatives can contribute to reduced housing costs for homeowners and renters, promote sustainable community design, and reduce dependence on vehicles. Such planning and development standards can also significantly contribute to reducing greenhouse gases. Albany has several policies and programs that focus on energy conservation. In addition, several of the sites identified in the Sites Inventory are infill, mixed use sites located in close proximity to transit.

**Policies and Programs:**

1. The City has established a green building program that is mandatory for both single family residential construction and multi-family residential construction.
2. The City is currently in the process of creating a Climate Action Plan (CAP) that will be later incorporated into the General Plan. The CAP may propose implementation of a residential energy compliance ordinance, which could require that energy conservation improvements be made to homes prior to point of sale. It also may propose a residential retrofit requirement, which includes energy efficiency compliance.
3. The City shall support the East Bay Municipal Utilities District programs to promote water conservation. These programs include rebates and incentives for residential units that implement such measures that succeed in water conservation.
4. The City shall support PG&E programs to promote energy conservation. These programs include rebates and incentives for residential for energy conservation.
5. The City shall support the use of photovoltaic systems and solar heating systems on both new construction and residential remodels and additions.

6. The City shall promote water-efficient landscaping and energy efficient irrigation systems by taking part in the “Bay Friendly Landscaping” program. The program was formally adopted as part to the City’s green building program.

## Programs

### Green Building Program:

1. In 2007, Albany adopted a Green Building and Bay Friendly Landscaping Ordinance, which requires all projects requiring discretionary review meet a green points threshold. As part of the program, the City developed “Green Point Checklists”, which list the possible measures that an applicant can implement for green compliance, which includes an energy efficiency section, in their project. The different Green Points Checklists are included in Appendix \_\_\_

- A. Single-Family Residential Projects comprise a majority of the projects in the city. The residential green points checklist includes the following measures for implementation of energy conservation:

- Site design—resource-efficient landscapes and gardens, high-efficiency irrigation systems, provide for on-site water catchment and retention, protect native soil.
- Foundation —recycled content aggregate, incorporate recycled flyash in concreted, insulate foundation before backfill.
- Structural Frame – engineered lumber, I-joists, lumber constructed with trees that have a fast regrowth.

- B. Multifamily Green Points--In addition to the general energy efficiency guidelines for sitework, heating/lighting systems, and finishes, the Green Building program encourages measures for multifamily developments to promote sustainable community design. The measures include:

- Encourage the utilization of infill sites
- Encourage mixed-use developments
- Encourage building placement and orientation to maximize energy efficiency
- Design for walking and bicycling
- Create social gathering places within and around the development
- Encourage use of adaptable buildings.
- Encourage affordability of units.
- Require low-water landscaping
- Require high efficiency lighting
- Require ENERGY STAR appliances
- Require water-efficient fixtures

2. The California Building Code requires phasing out older less energy efficient toilets by replacing them with toilets that use only 1.6 gallons per flush.
3. Public Education Program: workin collaboration with The Albany School District to promote environmental education and bike/walk to school.
4. The City shall continue to review energy efficiency policies and update the General Plan and all appropriate policy documents.

### ***Identification and Analysis of Developments At-Risk of Conversion***

---

*Pursuant to Government Code Section 65583, subdivision (a), paragraph (8), this sub-section should include an analysis of existing assisted housing developments (as defined by the statute) that are eligible to change from low-income housing uses during the next ten years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.*

Thousands of publicly assisted housing units in California are eligible to change from low-income to market-rate housing during the next decade due to the termination of various government subsidy programs and/or restrictions on rental rates. These units, known as at-risk units, are a valuable source of affordable housing for families statewide and as a result, the housing element must include a detailed analysis and proactive policies and programs to preserve at-risk units.

For the purpose of housing element law, assisted housing developments or at-risk units are defined as multifamily rental housing complexes that receive government assistance under any of the following federal, State, and/or local programs (or any combination of rental assistance, mortgage insurance, interest reductions, and/or direct loan programs) and which are eligible to convert to market-rate due to termination (opt-out) of a rent subsidy contract (e.g., Housing Choice Vouchers [Section 8] mortgage prepayment (e.g., FHA), or other expiring use restrictions (e.g., State or local programs) within the current and subsequent 5-year planning period of the housing element.

If there are no units at-risk of conversion in the locality during the ten-year period, the element must include a description of how the locality determined and verified no units are at-risk. The locality should verify that there are no federal, State, or locally funded units at-risk of conversion.

#### **At-risk-of conversion in the City of Albany:**

The city does not have any publicly assisted housing units that are at risk of conversion. Property owners, without city review or approval, can accept housing rent vouchers. The program is run by Alameda County and the city is typically not notified of voucher use unless notification is requested by the city. The city adopted a condominium conversion ordinance in 2004, which is applicable to all multifamily housing, and does not allow the conversion of more than 3% of the City's total multifamily housing stock to be converted in one calendar year.

### Part 3 - Regional Housing Needs Allocation

As part of the Housing Element Updating process, the State determines the total need for housing in each region of California. For the years 2007-2014, the State has determined that the total need for housing in the San Francisco Bay Area is 214,500 units.

In our region, the Association of Bay Area Governments (ABAG) is then responsible for allocating the "fair share" of this total to each of the nine counties and 100 cities in the area. During the allocation process, known as the Regional Housing Needs Allocation (RHNA), ABAG takes into consideration job growth, water and sewer capacity, land availability, proximity to transit, and market demand for each locality. The RHNA is distributed among four income levels to ensure that the development of housing addresses the needs of all economic segments.

**Table 3-1:  
Albany's Share of the Regional Housing Needs Allocation**

Income Category	New Construction Need
Very Low (0-50% of AMI*)	64
Low (51-80% of AMI)	43
Moderate (81-120% of AMI)	52
Above Moderate (over 120% of AMI)	117
<b>TOTAL UNITS</b>	<b>276</b>

\*Area Median Income

Source: Association of Bay Area Governments

Table 3-2 shows recent and current housing developments in Albany that count towards the 2007-2014 Regional Housing Needs Allocation. Most of the units have already been constructed, and one is currently under construction.

**Table 3-2:  
Units Built, Under Construction and/or Approved**

Project Name	Status: Built, Under Construction, Approved	Total Units	Very Low Income Units	Low Income Units	Moderate Income Units	Above Moderate Income Units	Methodology of Affordability Determination
845 Cleveland	Under Construction	4	0	0	0	4	N/A*
423 Talbot	Approved	12	0	1	0	11	MC 20.40.030
1157 Brighton	Approved	4	0	0	0	4	N/A
Total		20	0	1	0	19	

Source: Albany Community Development Department

Based on these recent projects, Albany's remaining housing needs can be calculated. The following table illustrates how many remaining units are needed in each income category to reach our RHNA.

**Table 3-3:  
Remaining Need based on Units Built/Under Construction**

Income Category	A	B	A-B
	New Construction Need	Units Built, Under Construction, or Approved	Remaining Need
Very Low (0-50% of AMI)	64	0	64
Low (51-80% of AMI)	43	1	42
Moderate (81-120% of AMI)	52	0	52
Above Moderate (over 120% of AMI)	117	19	98
<b>TOTAL UNITS</b>	276	20	256

*Source: Albany Community Development Department*

## **Part 4 – Analysis of City Policies**

---

### **Land-Use Controls**

*Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, ...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”.*

Although local ordinances and policies are enacted to protect the health and safety of citizens and further the general welfare, it is useful to periodically reexamine local ordinances/policies to determine whether, under current conditions, they are accomplishing their intended purpose or if in practice constitute a barrier to the maintenance, improvement or development of housing for all income levels. Although processing and permit procedures can be a hurdle to development, they are necessary to ensure that the quality of housing is maintained. Albany’s current processing and permit procedures do not appear to pose an undue constraint on the production of housing. The City works closely with applicants to expedite approval procedures so as not to put any unnecessary timing restrictions on development.

Ordinances, policies or practices which have the effect of excluding housing affordable to low- and moderate-income households may also violate State and federal fair housing laws which prohibit land-use requirements that discriminate or have the effect of discriminating against affordable housing.

The basic residential development standards for Albany are summarized in Table \_\_\_\_, which is found in the Appendix at the end of this section. The table indicates the minimum lot size requirements, maximum lot coverage, maximum floor area ratio, minimum setbacks, height restrictions, and minimum lot area per unit requirements that apply in each of the City’s residential zoning districts.

Albany has four residential base districts; R-1 (low-density, single-family dwellings), R-2 (medium density, single and multi-family dwellings), R-3 (high-density, single and multi-family dwellings, and boarding houses), and R-4 (high density residential towers).

From a land use control perspective, the city is unique in that it is small, 1.7 square miles in size, predominately zoned and developed with single-family homes, only has two streets that allow commercial uses, and a few corridors of multi-family housing.

### **Development Standards**

One development requirement that contributes to difficulty in creating additional housing is Measure D, which was a voter initiative passed in 1978. Construction of new residential units, regardless of size, rooms, or occupancy requires two off-street parking spaces.

Additions to an existing single-family residential structure that increases the original floor space by more than 25 percent or 240 square feet (whichever is less) requires that two (2) off-street parking spaces be provided. MC 20.28.040

Properties with second units are required to have between two (2) and four (4) parking spaces; requirements vary depending on when they were constructed. Any property constructed after 1978 must provide four parking spaces to allow a second unit. MC 20.28.040 Second units are later discussed in further detail.

Parking spaces cannot be located in the required front yard of residential properties, which is typically the first 15' of yard space. Many properties in the city have areas that can practically function as parking spaces; however, do not meet dimension requirements or are located in the required front yard, thus, are not considered "legal" off-street parking.

The parking requirements can affect the feasibility of construction of affordable housing in a number of ways. The cost of construction may be increased to provide below-grade parking or other types parking solutions. It can also require that the use of space be provided for parking instead of additional housing.

### **Inclusionary Housing Provisions**

The City shall enforce all federal, state and local ordinances or regulations pertaining to land use incentives which promote affordable housing opportunities for low- and moderate-income homebuyers, such as inclusionary housing and density bonus.

In 2005, the city adopted a Housing Provisions section to the ordinance, which includes an inclusionary housing ordinance. The ordinance is implemented throughout the City to help ensure that affordable housing opportunities are spread throughout the City. The ordinance requires that any development with five (5) or greater units provide 15% of units as low or very-low income. A density bonus section of the ordinance was also adopted, which provides flexibility in development standards and thus allows increased creativity in design of residential projects.

### **Fees and Exactions**

*Government Code Section 65583(a) requires "An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels...including...fees and other exactions required of developers, and local processing and permit procedures..."*

Like cities throughout California, Albany collects development fees to recover the capital costs of providing community services and administrative costs associated with processing applications. Housing development is typically subject to two types of fees or exactions:

- Permit processing fees for planning and zoning; and
- Impact fees or exactions, imposed to defray all or a portion of the public costs related to the development project

High planning and site development fees can affect property owners' ability to make improvements or repairs, especially for lower-income households. New housing typically requires payment of fees for schools, parks, sewer and water connections, building permit, and planning approval. In addition, subdivisions and multifamily projects may incur the cost of preparing environmental impact reports, traffic studies, soil reports, and filing fees for tentative

and final maps. Table 4-1 illustrates the price range of the typical fees for a new housing development unit. For more specific information on Albany's fee requirements, see Appendix Table A-2, which identifies the basic fees that apply to new residential construction in Albany.

The city adopted a public art ordinance in 2007, which requires that any public or private development with a Construction Cost greater than \$300,000 (as calculated by the City of Albany) must include a Public Art component equal to 1.75% of the total construction costs. The contribution percentage is greater than most local cities and may have impacts financial feasibility of projects.

**Table 4-1:  
Typical Housing Development Fees (Per Unit)**

Type of Fee	Price Range	
	Low	High
Planning and Zoning		
Building Permit	\$1,500	\$3,800
Public Works + Storm Drain	\$100	\$400
Sewer Fees	\$1,200	\$3,500
School Fees	\$2,300	\$4,200
Capital Impact Fees	\$1,200	\$4,100
Grading Permit	\$0	\$2,100
<b>TOTAL</b>		

*Source: Albany Community Development Department*

### Processing and Permit Procedures

*Government Code Section 65583(a) requires "An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, ...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures..."*

Processing and permit procedures can pose a considerable constraint to the production and improvement of housing. Common constraints include lengthy processing time, unclear permitting procedures, layered reviews, multiple discretionary review requirements, and costly conditions of approval. These constraints increase the final cost of housing, uncertainty in the development of the project, and overall financial risk assumed by the developer.

The Zoning Code stipulates the residential types permitted, permitted with a minor use permit, conditionally permitted, or prohibited in each zone allowing residential uses. Table 4-2 describes the housing types by permitted uses.

Key to Table:

P = Permitted

UP = Use Permit Required

UP-M = Minor Use Permit Required

SC= Solano Commercial

SPC= San Pablo Commercial

CMX= Commercial Mixed Use



- = Not Permitted

PF= Public Facility

WF= Waterfront

**Table 4-2:  
Permitted Land Uses by District**

Land Use <sup>1</sup>	R-1	R-2	R-3	R-4	RHD	SC	SPC	CMX	PF	WF <sup>11</sup>
<b>Residential</b>										
Single Family Dwelling	P	P	P	-	P	P	P	-	-	-
Two-Family Dwellings	-	P	P	-	UP	P	P	-	-	-
Multi-Family Dwellings	-	P	P	UP	UP	P	P	-	-	-
Live/Work Space	-	-	-	-	-	P	UP	UP-M**	-	-
Rooming or Boarding House	-	-	P	-	-	-	-	-	-	-
Land Use <sup>1</sup>	R-1	R-2	R-3	R-4	RHD	SC	SPC	CMX	PF	WF <sup>11</sup>
Bed and Breakfast	UP	UP	UP	-	UP	-	-	-	-	-
Care Facility, Residential										
a) Small	P	P	P	P	P	P	P	-	-	-
b) Large	UP	UP	UP	UP	UP	UP <sup>4</sup>	UP <sup>4</sup>	-	-	-
Day Care Home, Residential										
a) Small family	P	P	P	P	P	-	-	-	-	-
b) Large family	UP	UP	UP	UP	UP	-	-	-	-	-
Residential Secondary Unit	P	-	-	-	P	-	-	-	-	-
Public and Quasi-Public	R-1	R-2	R-3	R4	RHD	SC	SPC	CMX	PF	WF
Clubs and Lodges	-	UP	UP	-	-	UP	UP	UP	UP	-
Homeless Shelter	-	-	-	-	-	-	UP	-	-	-

Source: Albany Municipal Code 20.12.040

Permit Processing

The time required to process a project varies greatly from one project to another and is directly related to the size and complexity of the proposal and the number of actions or approvals needed to complete the process. It should be noted that each project does not necessarily have to complete each step in the process. In addition, certain review and approval procedures may run concurrently. Tables 4-3 and 4-4 identify the typical processing time most common in the entitlement process.

**Table 4-3:  
Timelines for Permit Procedures**

Type of Approval or Permit	Typical Processing Time
Ministerial Review	60 days
Conditional Use Permit	90 days
Zone Change	120 days
General Plan Amendment	120 days
Site Plan Review	N/A
Design Review	60 days
Tract Maps	120 days
Parcel Maps	90 days
Initial Environmental Study	60 days
Environmental Impact Report	270 days

*Source: Albany Community Development Department*

**Table 4-4:  
Typical Processing Procedures by Project Type**

	Single Family Unit	Subdivision	Multifamily Units
Typical Approval Requirements	Design Review	Subdivision Map	Design Review Planned Unit Development
Est. Total Processing Time	90 days	120 days	270 days

*Source: Albany Community Development Department*

### **Residential Design Guidelines**

The City adopted new Residential Design Guidelines in 2009, which include specific design objectives that serve as standards by which staff evaluates residential development. In Albany, the Planning and Zoning Commission serve as the Design Review Board, and nearly all residential require Design Review approval from either the Planning and Zoning Commission or Administrative Hearing Officer. Staff works closely with applicants to ensure designs conform to existing guidelines. While there are no cost provisions within the guidelines, the purpose of these design standards is not to be cost prohibitive but help developers during the initial process.

## Codes and Enforcement and On Off-Site Improvement Standards

*Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, ...including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”*

In 2003, the City adopted Chapter 18 “Nuisances” of the Albany Municipal Code. The purpose of this section is to address serious and/or persistent health and safety hazards resulting from the neglect, misuse or deterioration of property. As noted in the preamble of Chapter 18, this section is not intended for any or all complaints and the City emphasizes cooperative compliance and the prioritization of the use of City resources. In addition, in 2009, the City adopted an Administrative Citation Ordinance to further improve the effectiveness of the City’s code enforcement efforts.

The nuisance abatement process involves a series of steps. Initially, staff seeks legal authority to inspect the property. Based on the inspection, a Compliance Order is issued by staff requiring that health and safety violations be corrected. The Compliance Order is focused, securing the property and structures from unauthorized entry, removal of dead or overgrown landscaping, removal of trash and debris, and other basic safety requirements. Unfortunately, nuisance abatement procedures cannot mandate strictly aesthetic repairs such as painting.

If the property owner fails to respond fully to the Compliance Order, a hearing is scheduled before the Council-designated Hearing Board. The Hearing Board can issue an administrative order that includes authorizing the city to abate the nuisance and authorizing administrative penalties of up to \$1,000 per day until the nuisance is abated. In addition, administrative costs may be recovered.

The Planning and Zoning Commission serve as the Hearing Board. Ultimately, if administrative penalties and costs have not been paid within the time designated by the Hearing Board, the City may impose a lien on the property. The property owner has 15 days to protest the lien. A protest must be heard by the City Council. The City also can ask the County Tax Collector to impose a special assessment on the property for the amount of the lien, and if not paid, the property may be sold after three years.

Albany’s current Code Enforcement structure ensures that the quality of housing in the City is maintained. It does not pose a constraint to the development of new housing; it promotes the maintenance of the existing housing stock by mandating standards of health and safety.

## Housing for Persons with Disabilities

*Government Code Section 65583(a)(4) requires: “an analysis of potential and actual government constraints upon the maintenance, improvement or development of housing... **for persons with disabilities as identified in the analysis pursuant to paragraph (4) of subdivision (a)**, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local*

*efforts to remove governmental constraints that hinder the locality from meeting ... the need for housing for persons with disabilities (see Screen 7).*

*Government Code Section 65583(c)(3) requires the housing element provide a program to "address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities. The program shall remove constraints to and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities."*

As noted in the Special Needs section of the Housing Needs Assessment Report, persons with disabilities have a number of housing needs related to accessibility of dwelling units; access to transportation; employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services.

To provide for housing for persons with disabilities, Albany currently has either a variance or encroachment permit processes to accommodate requests such as special structures or appurtenances (i.e. access ramps or lifts) needed by persons with physical disabilities.

Albany does not impose additional zoning, building code, or permitting procedures other than those allowed by State law. There are no City-initiated constraints on housing for persons with disabilities and reasonable accommodation requests are processed through a ministerial procedure. Albany encourages residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with accessibility requirements. The City works with applicants who need special accommodations in their homes to ensure that application of building code requirements does not create a constraint.

Albany's current policies with regard to special-needs housing and housing for persons with disabilities do not restrict the development of new housing. There are no extra requirements or constraints put on developing housing for persons with disabilities. Exceptions in zoning and land-use are made to accommodate special needs housing, and there are no limits to restrict the amount or location of housing for persons with disabilities. The Land Use Element of the General Plan does not restrict the siting of special needs housing; however, in accordance with federal and state laws, the City shall evaluate and revise its procedures for addressing Reasonable Accommodations requests for disabled persons

**Part 5 — Sites Inventory and Analysis**

---

The purpose of the land inventory is to identify specific vacant and non-vacant sites suitable for residential development in order to compare Albany's regional housing need allocation with its residential development capacity. The inventory will assist in determining whether there are sufficient sites to accommodate the regional housing need. The sites inventory and analysis will help the City determine whether program actions must be adopted to “make sites available” with appropriate zoning, development standards, and infrastructure capacity to accommodate the new construction need.

The inventory includes both small and large residentially and non-residentially zoned parcels, as well as parcels that are substantially vacant or underutilized which could be developed for more intense residential uses. Other characteristics that have been considered when evaluating the appropriateness of sites include physical features (e.g. susceptibility to flooding, slope instability or erosion, or environmental considerations) and location (proximity to transit, job centers, and public or community services). Land suitable for residential development includes all of the following: vacant residentially zoned sites; vacant non-residentially zoned sites that allow residential development; underutilized residentially zoned sites capable of being developed at a higher density or with greater intensity; and non-residentially zoned sites that can be redeveloped for, and/or rezoned for, residential use.

Each site in the inventory is listed below, and includes information about the zoning, maximum allowed density, General Plan designation, the size of the site, its realistic unit capacity, and any constraints posed by the site. Accompanying this information is a map of the subject parcel(s), an aerial photo, and a street-level photo.

Whole Foods Mixed-Use Project, 1 Site: 138 Units  
(Project in Application Process)

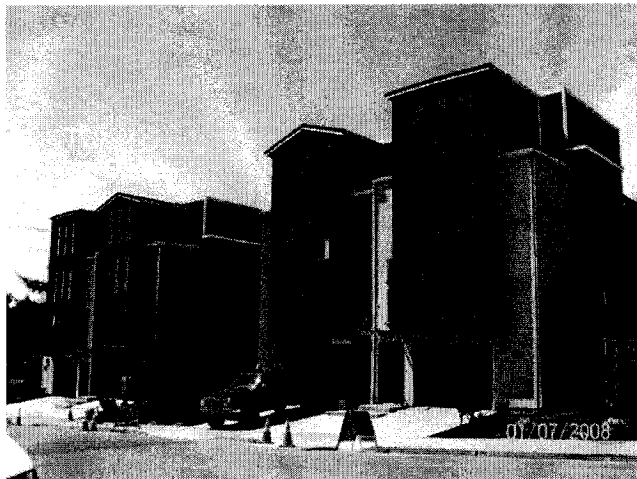
APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
-----	------	-------------------	----------------	-------	-------------	-------------------------	--------------	-------------------------	---------------------

066 - 2692- 002-06 (partial section)	SPC	63 du/ac	(Institutional) Residential/Commercial	1.8	78,408	54	Vacant	Yes	None
066 - 2692- 002-06 (partial section)	R-2	35 du/ac	(Institutional) Residential/Commercial	2.4	104,544	84	Vacant	Yes	None



R-3 District Infill, 5 Sites: 30 Units

APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
066 - 2731-010-01	R-3	63 du/ac	Residential High Density	.075	3,250	Approved at 1	Vacant/Under Construction	Yes	None
066 - 2731-010-02	R-3	63 du/ac	Residential High Density	.056	2,475	Approved at 1	Vacant/Under Construction	Yes	None
066 - 2731-010-03	R-3	63 du/ac	Residential High Density	.056	2,475	Approved at 1	Vacant/Under Construction	Yes	None
066 - 2731-009-01	R-3	63 du/ac	Residential High Density	.06	2,625	Approved at 1	Vacant/Under Construction	Yes	None



APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
067 - 2831-018-00	R-3	63 du/ac	Residential High Density	0.11	5,000	Approved at 6 units	Resid. Single-Family	Yes	None
067 - 2831-017-00	R-3	63 du/ac	Residential High Density	0.11	5,000	Approved at 6 units	Resid. Single-Family	Yes	None





APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
067-2829-009-00	R-3	63 du/ac	Residential High Density	0.11	5,000	Approved at 4 units	Resid. Single-Family	Yes	None



APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
067 - 2828-006-00	R-3	63 du/ac	Residential High Density	0.11	5,000	4	Resid. Single-Family	Yes	
067 - 2828-005-00	R-3	63 du/ac	Residential High Density	0.06	2,500	2	Resid. Single-Family	Yes	

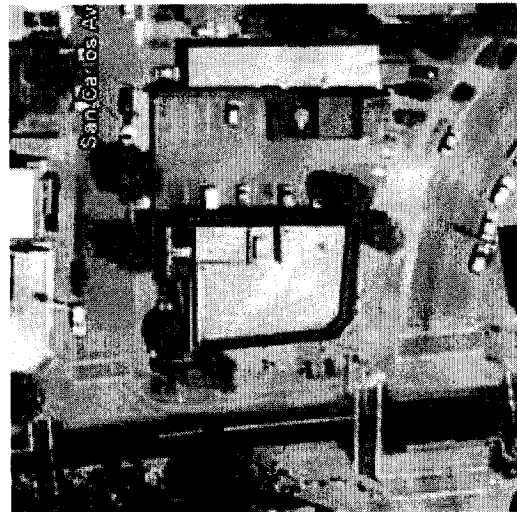


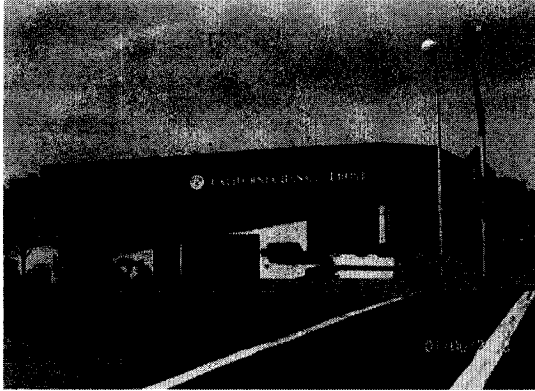
APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
067 - 2829-003-00	R-3	63 du/ac	Residential High Density	0.1	4,200	4	Resid. Single-Family	Yes	
067 - 2829-004-00	R-3	63 du/ac	Residential High Density	0.1	4,200	4	Resid. Single-Family	Yes	



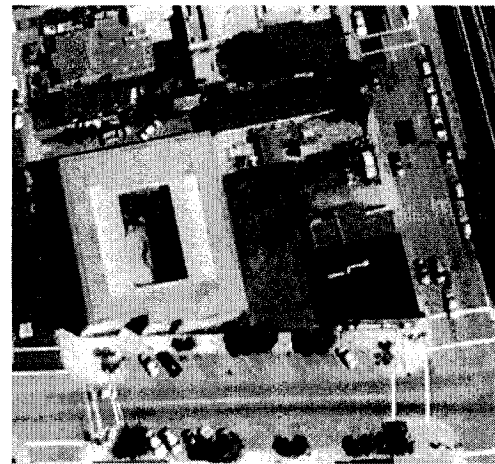
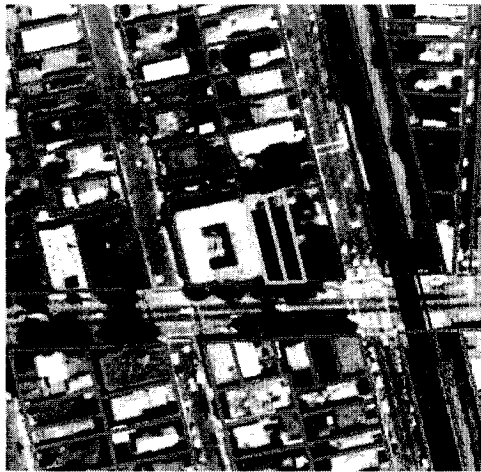
Solano Avenue Commercial Infill, 3 Sites: 24 Units

APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
067 - 2846-017-00	SC	63 du/ac	Community Commercial	0.3	13,000	9	Bank	Yes	Sloping Topography of Lot



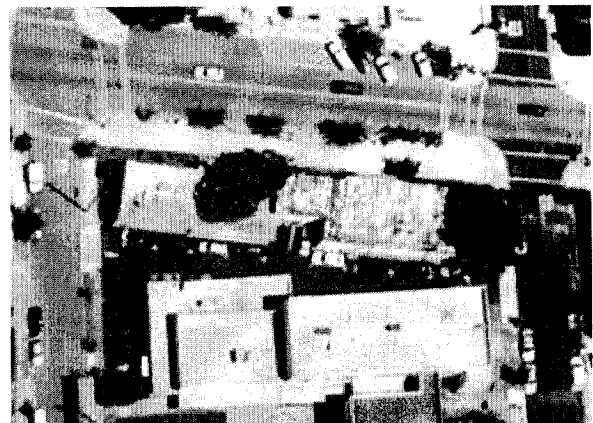


APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
066 - 2804-018-00	SC	63 du/ac	Community Commercial	0.075	3,282	2	Vacant	Yes	None
066 - 2804-019-01	SC	63 du/ac	Community Commercial	0.072	3,167	2	Vacant	Yes	None





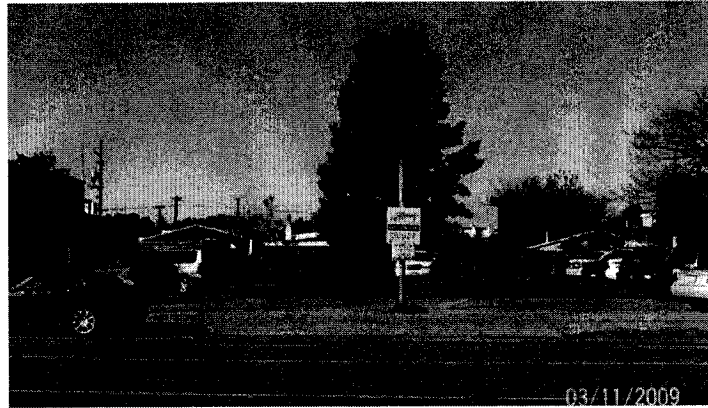
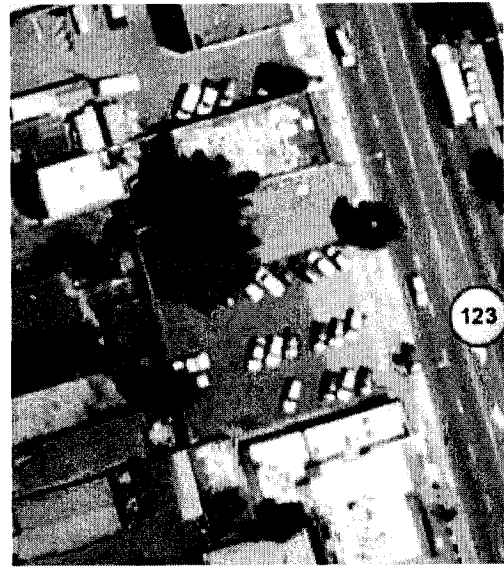
APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
065-2656-035-01 (partial section)	PF	N/A	Institutional Public/Quasi Public	0.37	16,000	11	School Facility (Tax Exempt)	Yes	None





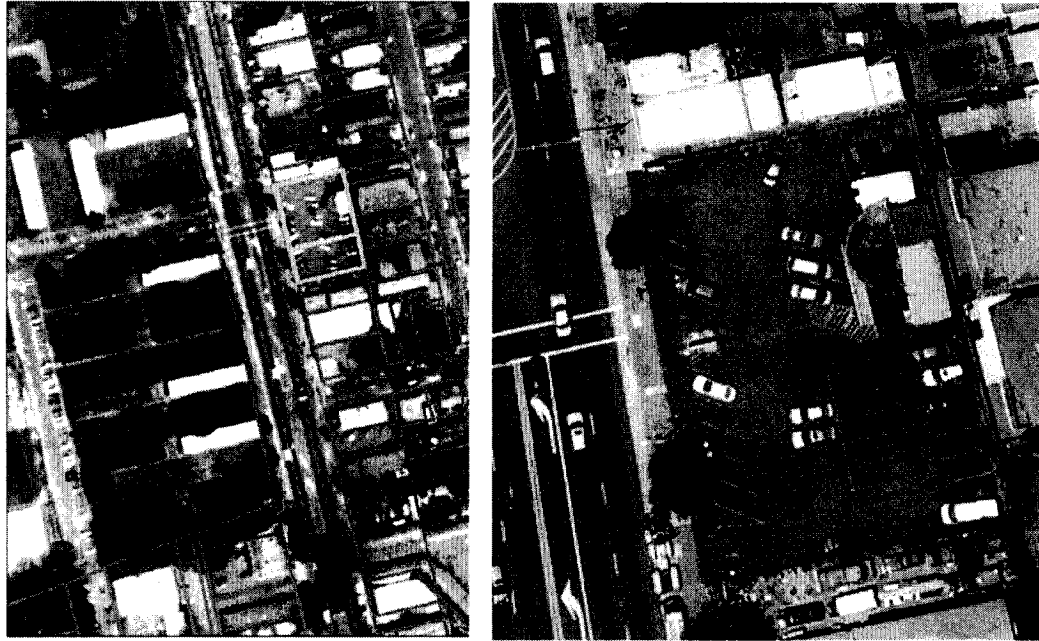
San Pablo Avenue Commercial Infill, 5 Sites: 65 units

APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
066 - 2721-011-01	SPC	63 du/ac	General Commercial	0.17	7,500	5	Parking Lot	Yes	None



APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
065 - 2662-035-00	SPC	63 du/ac	General Commercial	0.11	5,000	3	Parking Lot	Yes	None
065 - 2662-	SPC	63 du/ac	General Commercial	0.23	10,000	7	Parking Lot	Yes	None

037-01

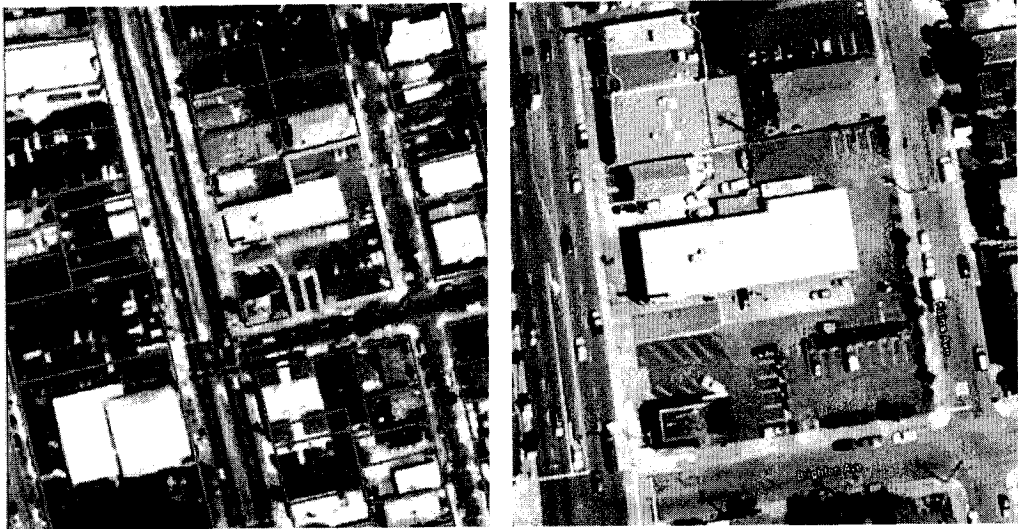


APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
067 - 2827-	SPC	63 du/ac	General Commercial	0.67	29,323	20	Automotive Use/Parking	Yes	None



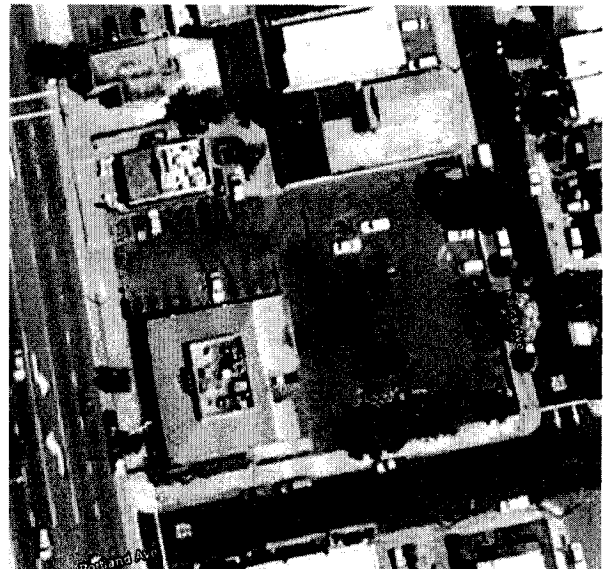
009-01

Lot

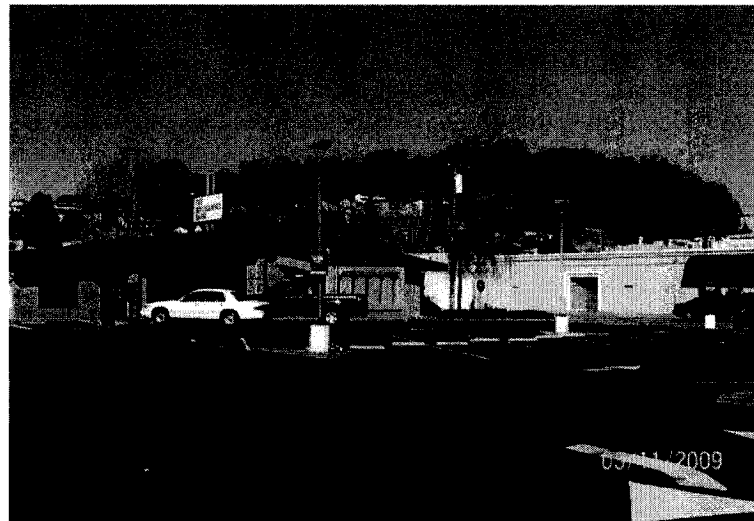
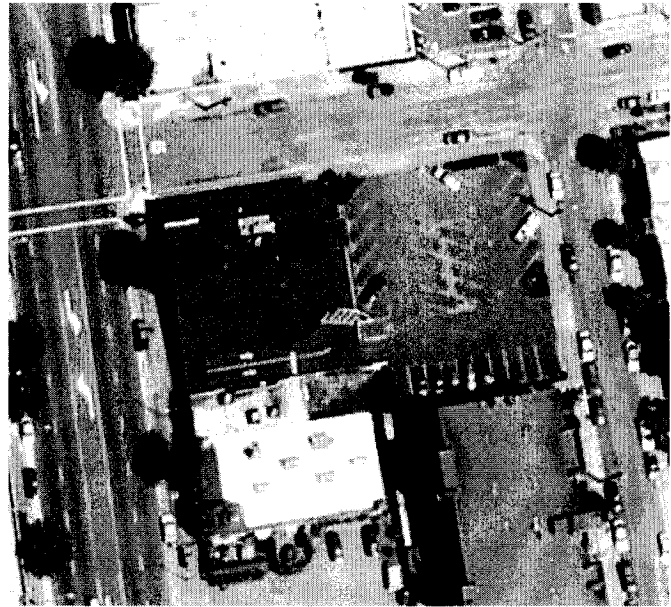


APN Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
067 - SPC	63 du/ac	General	0.23	10,000	7	(Sizzler)	Yes	None

2813-014-04			Commercial				Restaurant		
067-2813-009-00	R-3	63 du/ac	Residential High Density	0.11	5,000	3	(Sizzler) Restaurant/Parking Lot	Yes	None
067-2813-014-02	R-3	63 du/ac	Residential High Density	0.11	5,000	3	(Sizzler) Restaurant/Parking Lot	Yes	None
067-2813-014-03	R-3	63 du/ac	Residential High Density	0.11	5,000	3	(Sizzler) Restaurant/Parking Lot	Yes	None



APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
066 - 2799-001-01	SPC	63 du/ac	General Commercial	0.46	20,000	14	Bank/Parking Lot	Yes	None



## Second Units: 20 units

*Government Code Section 65583.1(a) allows a city or county to identify sites for second units based on the number of second units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required.*

During the previous planning period, a total of 20 secondary units were developed in Albany. As provided for in Government Code Section 65583.1, the City is applying the same number of second units as were constructed during the previous planning period towards its adequate sites requirement.

The City will continue to encourage second unit development in order to disperse the development of affordable housing throughout the city by allowing second units by right in all residential zones. These units can be developed either as a detached structure from the primary unit or as an attached unit within the main structure. In both cases, secondary unit applications are reviewed by City Staff and do not need to be taken to the Planning and Zoning Commission for design review.

The Secondary Residential Unit section of the Albany Municipal Code (AMC 20.20.080) is intended to foster and encourage the addition of small, affordable housing units. The general development standards are summarized below:

- 1) The creation of a secondary unit shall not cause the allowable floor area ratio for the site to be exceeded as defined by the residential development standards of a .55 FAR.
- 2) No secondary residential unit shall have a floor area greater than 650 square feet, nor have more than one bedroom, regardless of how the unit is located on the site. A secondary unit cannot exceed the size of the primary unit.
- 3) If located within the existing structure, the secondary unit is subject to the general development requirements for setbacks, height, and lot coverage for the site's zoning district, as defined by the municipal code.
- 4) If located as a detached structure, the setback from the rear and side property lines must meet the minimum required setbacks for the lot, and the unit must be at least 6 feet from the main structure;
- 5) The height of the accessory structure is not to exceed 12 feet.
- 6) The total lot coverage shall not exceed 30 percent of the area located between the main structure and the rear property line.
- 7) Any new construction of a second unit requires that two additional off-street parking spaces be created on-site.

### Analysis of City Policy Regarding Secondary Units

The City permits secondary units to be developed in all residential zones, which encourages higher density development in single-family residential zones and allows affordable housing to be dispersed throughout the city, instead of being focused solely in higher density zones. The

permitting process facilitates the development of second units by allowing projects to be reviewed by City Staff instead of the Planning and Zoning Commission. The maximum area for secondary units is 650 square feet, and limits them to one-bedroom units. An approximate average price for a one-bedroom apartment in Albany is \$1,125 per month. The average price for a studio apartment rental in Albany is \$925 per month. The size restrictions for second units serve as a way to preserve affordability of the units.

Some of the City's development standards, however, may be a hindrance to second unit development. The ordinance's parking requirement mandates that two additional off-street parking spaces be provided with the construction of a second unit. The small sizes of Albany lots make this parking requirement difficult, and may be a disincentive for second unit development. Given that the ordinance also restricts second units to consist of one-bedroom rentals, the requirement for two off-street parking spaces seems excessive. In addition, the height requirements for detached second units fall under the same requirements as for any type of accessory structure, which limits them to a maximum height of 12 feet. This height requirement may also be a disincentive to construct second units in the City.

Overall, Albany encourages the development of secondary units. The architectural review standards, fees and exactions, and permitting process do not hinder the development of second units.

**TOTAL UNITS: 281**

# Appendix

Table A-1: Basic Residential Site Regulations

ZONING	USE	MINIMUM SETBACKS						NEW SITES/DEVELOPMENTS					
		FRONT	REAR	SIDE - INTERIOR (1)	SIDE - CORNER	MAX. HEIGHT	MAX. LOT COVER-AGE	MAX. FLOOR AREA RATIO (FAR) (2)	LOT AREA PER UNIT	MIN. LOT WIDTH	MIN. LOT AREA	PARK. SPACE PER UNIT	MIN OPEN SPACE (SQ. FT)
R-1	Single-Family Dwelling	15 ft.	20 ft.	10%	7.5 ft.	28 ft.	50%	0.55	N/A	35 ft.	3,750 sq.ft.	2	100
	Public & Quasi-Public	(3)	(3)	(3)	(3)	35 ft.	(3)	N/A	N/A	75 ft.	10,000 sq.ft.	2	100/200
R-2	Single-Family Dwelling	15 ft.	15 ft.	10%	7.5 ft. (4)	28 ft.	50%	0.55	N/A	35 ft.	3,750 sq.ft.	2	100
	Two- & Multi-Family Dwellings	15 ft.	15 ft.	10%	7.5 ft. (4)	35/28 ft.(8)	50%	N/A	1,250 sq.ft.	37.5 ft.	3,750 sq.ft.	2	100/200
R-3	Public & Quasi-Public	(3)	(3)	(3)	(3)	35 ft.	(3)	N/A	N/A	75 ft.	10,000 sq.ft.	2	100/200
	Single- & Two-Family Dwellings	15 ft.	15 ft.	10%	7.5 ft. (4)	35/28 ft.(8)	50%	0.55	1,250 sq.ft.	50 ft.	3,750 sq.ft.	2	100/200
All R	Multi-Fam. Dwel. & Board. Hse.	15 ft.	15 ft.	5 ft.	7.5 ft. (4)	35/28 ft.(8)	70%	1.5	(5)	50 ft.	5,000 sq.ft.	2	100/200
	Public & Quasi-Public	(3)	(3)	(3)	(3)	35 ft.	(3)	N/A	N/A	75 ft.	10,000 sq.ft.	2	100/200
	Accessory Buildings (6)	N/A	0 ft.	0 ft.	7.5 ft.	12 ft.	30% (7)	N/A	N/A	N/A	N/A	N/A	N/A

Source: Albany Community Development Department, Albany Municipal Code

Table A-2: Basic Residential Development Fees

COMMUNITY DEVELOPMENT FEES		
PLANNING & ZONING		
<b>AMENDMENTS:</b>		
General Plan (text or map)	AC/Min \$1,110	\$2,000
Specific Plans (text or map)	AC/Min \$1,110	\$2,000
Zoning Ordinance (text or map)	AC/Min \$1,110	\$2,000
Terms of Approval	1/2 of original fee	
<b>APPEALS:</b>		
Administrative decision	\$340	
Planning & Zoning Commission decision	\$340	
<b>DEVELOPMENT AGREEMENTS</b>		
	AC	\$10,000
<b>USE PERMITS:</b>		
Minor Use Permit *	\$620	
Major Use Permit *	AC/Min \$1,110	\$1,110
Major Use Permit (wireless)	AC/Min \$1,110	\$5,000
Temporary and Seasonal Use Permit <sup>2</sup>	\$300 (\$55 refundable)	
<b>DESIGN REVIEW *</b>		
Administrative Hearing	\$400	\$400
Planning & Zoning Commission:		
Single Family Residential	\$560	\$560
All Other Residential	AC/Min \$1,000	AC/Min \$1,000
Non-residential	AC/Min \$560	AC/Min \$560
Signs (administrative) *	\$183	
Signs (requiring P&Z action) *	\$400	
Master Sign Program *	\$1,110	
<b>VARIANCE *</b>	\$777	
<b>PARKING EXCEPTIONS: *</b>		
Residential & Commercial	\$620 + \$540 minimum for parking survey if required	
Parking Survey	AC/Min. \$1,110	\$1,110
<b>SUBDIVISIONS:</b>		
Certificate of Compliance	AC/Minimum \$ 369	\$ 615
Parcel Map Waiver	AC/Minimum \$ 369	\$ 615
Lot Line Adjustment	AC/Minimum \$ 369	\$ 615
Lot Merger	AC/Minimum \$ 369	\$ 615
1-4 lots	AC/Minimum \$ 369	\$ 1,230
5 or more lots	AC/Minimum \$ 615	\$ 1,230
Final Map	AC/Minimum \$ 1,230	\$ 1,230
Parcel Map	AC/Minimum \$ 1,230	\$ 1,230
	<b>Fee</b>	<b>Deposit</b>

## COMMUNITY DEVELOPMENT FEES

### PLANNING & ZONING

	Fee	Deposit
Extension of Tentative Map	AC/Minimum \$ 1,230	\$ 1,230
Condominium Conversion	AC Minimum \$ 492	\$ 1,230
<b>ENVIRONMENT DOCUMENTS:</b>		
Initial Study/Negative Declaration	AC+20%	\$ 5,000
Environmental Impact Report	AC +20%	\$50,000
Mitigation Monitoring Program	AC	
Filing documents w/County		
a. Negative Declaration (ND)	\$1,926.75 (per Alameda Co. Clerk) + \$392.70 City processing fee.	
b. Environmental Impact Report (EIR)	\$2,656.75 (per Alameda Co. Clerk) + \$392 City processing fee.	
School Impact (applicable to all new square footage over 500 SF)		
a. Residential	\$2.24/SF	
b. Commercial	\$0.36/SF	
Capital Facilities Impact		
a. Second story and other residential additions	\$0.65/SF \$0.65/SF	
b. Industrial or other non-residential development	\$375	
c. New Residential unit:	\$840	
600 SF or less	\$1,365	
601 SF to 1,000 SF		
1,001 SF or over		
Parkland Dedication (Park-in-lieu fee) Land dedication and/or payment of a fee required with land divisions per Section 22-8 of AMC.	Land dedication: Single Family: Acres of Parkland = (.015 ac/du)(no. of units)  Duplex or MF: Acres of Parkland = (.0105 ac/du)(no. of units)  In-lieu fee: Single Family: (.015 ac/du)(no. of units)(estimated fair market value according to AMC 22-8.4)  Duplex or MF: (.0105 ac/du)(no. of units)(estimated fair market value according to AMC 22-8.4)	



**COMMUNITY DEVELOPMENT FEES**

**PLANNING & ZONING**

Deposit

Fee

**TREES:**

Tree Removal on unimproved private property (HD and H: zones only)

\$ 185

**MISCELLANEOUS:**

Public Art

Pending City Council adoption

Home Occupations

\$68

Large Family Day Care Home

\$492 (refund of \$55 where no hearing held)

Affordable Housing Project

May request reduction

Restaurant sidewalk seating (where use permitted; see Encroachment Permit)

\$ 113 annually

Fast food or take-out debris fee

\$473 + annual maintenance fee

Secondary Residential Unit

\$455

Zoning Clearance

AC/Minimum \$62

Inspection upon sale or transfer of property in R-1 and R-1:H zones

\$246

Source: Albany Master Fee Schedule

# Appendix

Table A-1: Basic Residential Site Regulations

ZONING	USE	MINIMUM SETBACKS						NEW SITES/DEVELOPMENTS					
		FRONT	REAR	SIDE - INTERIOR (1)	SIDE - CORNER	MAX. HEIGHT	MAX. LOT COVER-AGE	MAX. FLOOR AREA RATIO (FAR) (2)	LOT AREA PER UNIT	MIN. LOT WIDTH	MIN. LOT AREA	PARK. SPACE PER UNIT	MIN OPEN SPACE (SQ. FT)
R-1	Single-Family Dwelling	15 ft.	20 ft.	10%	7.5 ft.	28 ft.	50%	0.55	N/A	35 ft.	3,750 sq.ft.	2	100
	Public & Quasi-Public	(3)	(3)	(3)	(3)	35 ft.	(3)	N/A	N/A	75 ft.	10,000 sq.ft.	2	100/200
R-2	Single-Family Dwelling	15 ft.	15 ft.	10%	7.5 ft. (4)	28 ft.	50%	0.55	N/A	35 ft.	3,750 sq.ft.	2	100
	Two- & Multi-Family Dwellings	15 ft.	15 ft.	10%	7.5 ft. (4)	35/28 ft. (8)	50%	N/A	1,250 sq.ft.	37.5 ft.	10,000 sq.ft.	2	100/200
R-3	Public & Quasi-Public	(3)	(3)	(3)	(3)	35 ft.	(3)	N/A	N/A	75 ft.	10,000 sq.ft.	2	100/200
	Single- & Two-Family Dwellings	15 ft.	15 ft.	10%	7.5 ft. (4)	35/28 ft. (8)	50%	0.55	1,250 sq.ft.	50 ft.	3,750 sq.ft.	2	100/200
AIR	Multi-Fam. Dwell. & Board Hse.	15 ft.	15 ft.	5 ft.	7.5 ft. (4)	35/28 ft. (8)	70%	1.5	(5)	50 ft.	5,000 sq.ft.	2	100/200
	Public & Quasi-Public	(3)	(3)	(3)	(3)	35 ft.	(3)	N/A	N/A	75 ft.	10,000 sq.ft.		100/200
	Accessory Buildings (6)	N/A	0 ft.	0 ft.	7.5 ft.	12 ft.	30% (7)	N/A	N/A	N/A	N/A	N/A	N/A

Source: Albany Community Development Department, Albany Municipal Code

Table A-2: Basic Residential Development Fees

COMMUNITY DEVELOPMENT FEES		
PLANNING & ZONING		
<b>AMENDMENTS:</b>		
General Plan (text or map)	AC/Min \$1,110	\$2,000
Specific Plans (text or map)	AC/Min \$1,110	\$2,000
Zoning Ordinance (text or map)	AC/Min \$1,110	\$2,000
Terms of Approval	1/2 of original fee	
<b>APPEALS:</b>		
Administrative decision	\$340	
Planning & Zoning Commission decision	\$340	
<b>DEVELOPMENT AGREEMENTS</b>		
	AC	\$10,000
<b>USE PERMITS:</b>		
Minor Use Permit *	\$620	
Major Use Permit *	AC/Min \$1,110	\$1,110
Major Use Permit (wireless)	AC/Min \$1,110	\$5,000
Temporary and Seasonal Use Permit <sup>2</sup>	\$300 (\$55 refundable)	
<b>DESIGN REVIEW *</b>		
Administrative Hearing	\$400	\$400
Planning & Zoning Commission:		
Single Family Residential	\$560	\$560
All Other Residential	AC/Min \$1,000	AC/Min \$1,000
Non-residential	AC/Min \$560	AC/Min \$560
Signs (administrative) *	\$183	
Signs (requiring P&Z action) *	\$400	
Master Sign Program *	\$1,110	
<b>VARIANCE *</b>	\$777	
<b>PARKING EXCEPTIONS: *</b>		
Residential & Commercial	\$620 + \$540 minimum for parking survey if required	
Parking Survey	AC/Min. \$1,110	\$1,110
<b>SUBDIVISIONS:</b>		
	Fee	Deposit
Certificate of Compliance	AC/Minimum \$ 369	\$ 615
Parcel Map Waiver	AC/Minimum \$ 369	\$ 615
Lot Line Adjustment	AC/Minimum \$ 369	\$ 615
Lot Merger	AC/Minimum \$ 369	\$ 615
1-4 lots	AC/Minimum \$ 369	\$ 1,230
5 or more lots	AC/Minimum \$ 615	\$ 1,230
Final Map	AC/Minimum \$ 1,230	\$ 1,230
Parcel Map	AC/Minimum \$ 1,230	\$ 1,230

**COMMUNITY DEVELOPMENT FEES**

**PLANNING & ZONING**

	Fee	Deposit
Extension of Tentative Map	AC/Minimum \$ 1,230	\$ 1,230
Condominium Conversion	AC Minimum \$ 492	\$ 1,230
<b>ENVIRONMENT DOCUMENTS:</b>		
Initial Study/Negative Declaration	AC+20%	\$ 5,000
Environmental Impact Report	AC +20%	\$50,000
Mitigation Monitoring Program	AC	
Filing documents w/County		
a. Negative Declaration (ND)	\$1,926.75 (per Alameda Co. Clerk) + \$392.70 City processing fee.	
b. Environmental Impact Report (EIR)	\$2,656.75 (per Alameda Co. Clerk) + \$392 City processing fee.	
School Impact (applicable to all new square footage over 500 SF)		
a. Residential	\$2.24/SF	
b. Commercial	\$0.36/SF	
Capital Facilities Impact		
a. Second story and other residential additions	\$0.65/SF \$0.65/SF	
b. Industrial or other non-residential development	\$375	
c. New Residential unit:	\$840	
600 SF or less	\$1,365	
601 SF to 1,000 SF		
1,001 SF or over		
Parkland Dedication (Park-in-lieu fee) Land dedication and/or payment of a fee required with land divisions per Section 22-8 of AMC.	Land dedication: Single Family: Acres of Parkland = (.015 ac/du)(no. of units)  Duplex or MF: Acres of Parkland = (.0105 ac/du)(no. of units)  In-lieu fee: Single Family: (.015 ac/du)(no. of units)(estimated fair market value according to AMC 22-8.4)  Duplex or MF: (.0105 ac/du)(no. of units)(estimated fair market value according to AMC 22-8.4)	

**COMMUNITY DEVELOPMENT FEES**

**PLANNING & ZONING**

Deposit

Fee

**TREES:**

Tree Removal on unimproved private property (HD and H: zones only)

\$185

**MISCELLANEOUS:**

Public Art

Pending City Council adoption

Home Occupations

\$68

Large Family Day Care Home

\$492 (refund of \$55 where no hearing held)

Affordable Housing Project

May request reduction

Restaurant sidewalk seating (where use permitted; see Encroachment Permit)

\$113 annually

Fast food or take-out debris fee

\$473 + annual maintenance fee

Secondary Residential Unit

\$455

Zoning Clearance

AC/Minimum \$62

Inspection upon sale or transfer of property in R-1 and R-1:H zones

\$246

Source: Albany Master Fee Schedule

## Department of Housing and Community Development

### Analysis of Sites and Zoning

[Previous](#) [Next](#)

*Skip To:* [Realistic Development Capacity](#) | [Analysis of Non-Vacant and Underutilized Sites](#) | [Zoning to Accommodate the Development of Housing Affordable to Lower Income Households](#) | [Environmental Constraints and Adequate Infrastructure Capacity](#) | [Links](#) |

### Realistic Development Capacity

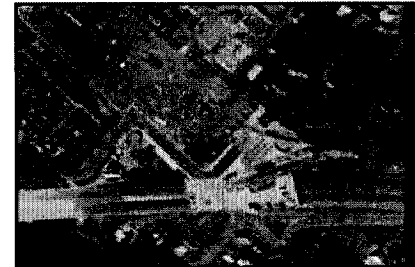
*Government Code Section 65583.2(c) requires, as part of the analysis of available sites, a local government to demonstrate the projected residential development capacity of the sites identified in the housing element can realistically be achieved. Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The number of units calculated shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (4) of subdivision (a) of Section 65583.*

#### REQUISITE ANALYSIS

The site inventory analysis must include an estimate of the number of housing units that can be accommodated on each site identified in the land inventory within the planning period in accordance with Government Code 65583.2(c)(1&2). The element must include a description of the methodology used to estimate the realistic capacity. The element should not estimate unit capacity based on the theoretical maximum buildout allowed by the zoning; rather, residential development capacity estimates must consider:

➤ **All applicable land-use controls and site improvement requirements.**

The analysis must consider the imposition of any development standards that impact the residential development capacity of the sites identified in the inventory. When establishing realistic unit capacity calculations, the jurisdiction must consider existing development trends as well as the cumulative impact of standards such as maximum lot coverage, height, open space, parking, and FARs.



If a local government has adopted, through regulations or ordinance, minimum density requirements that explicitly prohibit development below the minimum density, the element may establish the housing unit capacity based on the established minimum density.

➤ **Existing Uses:**

The inventory must consider the impact of existing development when calculating realistic development capacity. For example, to demonstrate the unit capacity of underutilized sites, the analysis should describe and explain the factors that make developing additional residential units feasible (within the planning period). Consider the following example: A one-acre parcel zoned for 20 dwelling units per acre and developed with a single-family home. The element must demonstrate the local government has a track record of facilitating and supporting the intensification of sites, and describe the incentives the local government offer would offer (through a specific program action) to attract and assist developers.

➤ **Small Sites (less than one acre):**

The element should include an analysis demonstrating the estimate of the number of units projected on small sites, is realistic or feasible. The analysis should consider development trends on small sites as well as policies or incentives to facilitate such development. For example, many local governments provide incentives for lot consolidation. In addition, while it may be possible to build housing on a small lot, the nature and conditions (i.e., development standards) necessary to construct the units often render the provision of affordable housing infeasible. To utilize small sites to accommodate the jurisdiction's share of the regional housing need for lower-income households, the element must consider the impact of constraints associated with small lot development on the ability of a developer to produce housing affordable to lower-income households.

#### HELPFUL HINTS

- To support a realistic residential capacity assumption, the element could include a description of the build-out yields of recently constructed residential projects.
- To demonstrate the viability of small lot development to accommodate the local housing need, the element could include a description of the local government's role in facilitating small-lot development (e.g., providing regulatory and/or fiscal incentives, develop and adopt small lot ordinance like the City of Los Angeles (see IV. Links)).
- As applicable, due to local housing needs and available land resources, the element could include a program action that provides

for lot consolidation and/or parcel assemblage.

- ⇒ Local governments should be diligent in preparing their annual reports pursuant to Government Code Section 65400. The project-by-project descriptions and resulting build-out yields would be helpful in formulating a development track record and demonstrating realistic capacity.

## Analysis of Non-vacant and Underutilized Sites

*The inventory sites that have potential for residential developed can include non-vacant and underutilized sites (Section 65583.2(b)(3)). The element must include an explanation of the methodology for determining the realistic buildout potential of these sites within the planning period (Section 65583.2(g)).*

### REQUISITE ANALYSIS

Local governments with limited vacant land resources or with infill and reuse goals may rely on non-vacant and underutilized residential sites to accommodate the regional housing need. Examples include sites with potential for recycling, scattered sites suitable for assembly, publicly-owned surplus land, portions of blighted areas with abandoned or vacant buildings, areas with mixed-used potential, substandard or irregular lots which could be consolidated, and any other suitable underutilized land. Adopting policies to maximize existing land resources by promoting more compact development patterns or reuse of existing buildings also allows a local government to meet other important community objectives to preserve open space or agricultural resources as well as assist in meeting green house gas emission reduction goals.

If the inventory identifies non-vacant sites to address a portion of the regional housing need, the element must describe the additional realistic development potential within the planning period. The analysis must describe the methodology used to establish the development potential considering all of the following: 1) the extent existing uses may constitute an impediment to additional residential development; 2) development trends; 3) market conditions; and 4) availability of regulatory and/or other incentives such as expedited permit processing, and fee waivers or deferrals.

#### 1. Existing Uses:

The element must demonstrate non-vacant and/or underutilized sites in the inventory that can be realistically developed with residential uses or more intensive residential uses at densities appropriate to accommodate the regional housing need (by income) within the planning period. The element must describe all existing uses (such as surplus school site, operating business, nursery, etc.) and evaluate the extent these uses would constitute an impediment to new residential development.

The condition or age of existing uses and the potential for such uses to be discontinued and replaced with housing (within the planning period) are important factors in determining "realistic" development potential. For example, an analysis might describe an identified site as being developed with a 1960's strip commercial center with few tenants and, therefore, a good candidate for redevelopment, versus a site containing a newly opened retail center that is unlikely going to be available for residential development within the planning period.

#### 2. Recent Development Trends:

The inventory analysis should describe recent development and/or redevelopment trends in the community. The element should also include a description of the local government's track record and specific role in encouraging and facilitating redevelopment, adaptive reuse, or recycling to residential or more intense residential uses. If the local government does not have any examples of recent recycling or redevelopment, the housing element should describe current or planned efforts (via new program actions) to encourage and facilitate this type of development (e.g., providing incentives to encourage lot consolidation or assemblage to facilitate increased residential development capacity).

#### 3. Market Conditions:

Housing market conditions also play a vital role in determining the feasibility or realistic potential of non-vacant sites and/or underutilized sites for residential development. The element should evaluate the impact of local market conditions on redevelopment or reuse strategies. For example, high land and construction costs, combined with a limited supply of available and developable land may indicate conditions "ripe" for more intensive compact and infill development, or redevelopment and reuse.

#### 4. Availability of Regulatory and/or other Incentives:

The analysis should describe an existing or planned financial assistance or regulatory concessions or incentives to encourage and facilitate additional or more intense residential development on non-vacant and underutilized sites. Many local governments develop partnerships with prospective developers to assist in making redevelopment/reuse economically feasible. Examples of these incentives include: 1) organizing special marketing events geared towards the development community, 2) posting the sites inventory on the local government's webpage, 3) identifying and targeting specific financial resources, and 4) reducing appropriate development standards. Absent a track record or development trends to demonstrate the feasibility of a recycling or redevelopment strategy, the housing element should describe existing or planned financial assistance or regulatory relief from development standards that will be provided to encourage and facilitate more intensive residential development on the identified underutilized sites.

### CITY OF SACRAMENTO

#### Infill House Plan Program

Users of this City-sponsored program can purchase pre-approved plans of high-quality single-family homes designed to suit the City's older neighborhoods and redevelopment areas. This eliminates the need to go through the City's design review and building plan check review process, saving time and money. Private developers may also request that their plans be pre-approved. The City hopes to add other plans in the future to accommodate more lot sizes, such as those that may be too narrow for existing plans. [Learn More.](#)

⇒ [View House Plans](#)

**HELPFUL HINTS**

To demonstrate and quantify the residential development history of non-vacant and/or underutilized sites, local government could rely on its annual general plan progress reports pursuant to Government Code Section 65400. The project-by-project descriptions and resulting build-out yields could be used to demonstrate a track record for recycling and/or redevelopment of non-vacant and/or underutilized sites.

**Zoning to Accommodate the Development of Housing Affordable to Lower Income Households**

*The densities of sites identified in the inventory must be sufficient to encourage and facilitate the development of housing affordable to lower-income households (Section 65583.2(c)(3)(A) &(B).*

**REQUISITE ANALYSIS**

To identify the sites and establish the number of units that can accommodate the local government's share of the regional housing need for lower-income households, the element must include an analysis that demonstrates the identified zone and densities which encourage and facilitate the development of housing for lower-income households. To provide local governments with greater certainty and clarity in evaluating and determining what densities facilitate the development of housing affordable to lower-income households, the statute provides two options:

- ⇒ The analysis must, at a minimum, describe the following:
  - ⇒ market demand and trends;
  - ⇒ financial feasibility; and
  - ⇒ information based on residential project experience within a zone(s) where the densities facilitated the development of housing for lower-income households. Information gathered from local developers, and examples of recent residential projects that provide housing for lower-income households is helpful in establishing the appropriateness of the zone. It is recognized that housing affordable to lower income households requires significant subsidies and financial assistance. However, for the purpose of the adequate sites analysis and the appropriateness of zoning, identifying examples of lower density subsidized housing projects alone, is not sufficient or appropriate to demonstrate the adequacy of a zone and/or density to accommodate the housing affordable to lower-income households. In addition, the analysis of "appropriate zoning" should not include residential buildout projections resulting from the implementation of a jurisdiction's inclusionary program as this tool is not a substitute for addressing the "adequate sites" requirement. For example, most communities have found that inclusionary policies work best when the underlying zoning and development standards act to significantly promote housing affordability, including the provision of higher densities and flexible development standards.
- ⇒ As an alternative to preparing the analysis described above, Government Code Section 65583.2(c)(3)(B) allows local governments to utilize "default" density standards deemed adequate to meet the "appropriate zoning" test. The purpose is to provide a numerical density standard for local governments, resulting in greater certainty in the housing element review process. Specifically, if a local government has adopted density standards that comply with the population based criteria summarized on the next page, no further analysis is required to establish the adequacy of density standard. The default densities for each jurisdiction in the State can be found in HCD's [AB 2348 Technical Assistance paper](#).

**DEFAULT DENSITIES APPROPRIATE TO ACCOMMODATE HOUSING FOR LOWER-INCOME HOUSEHOLDS BY REGION**

I Incorporated Cities within nonmetropolitan/rural counties (as outlined in either Section I or II) and Nonmetropolitan counties with micropolitan areas (listed below)	II Unincorporated areas in all nonmetropolitan counties not included under I	III Suburban jurisdictions	IV Metropolitan jurisdictions
Nonmetropolitan counties with micropolitan areas include:  Del Norte Humboldt Inyo Lassen Lake Mendocino Nevada Tehama Tuolumne	Nonmetropolitan/rural counties as listed below (list excludes those counties including micropolitan areas as outlined in section I)  Alpine Amador Calaveras Colusa Glenn Mariposa Modoc	Jurisdictions (cities/counties) located within a Metropolitan Statistical Area (MSA) with a population of less than 2 million as listed below <b>unless</b> a city has a population of greater than 100,000 in which case it would be considered metropolitan.  Butte El Dorado Fresno	Jurisdictions (cities/counties) located within a Metropolitan Statistical Area (MSA) with a population of more than 2 million as listed below <b>unless</b> a city has a population of less than 25,000 in which case it would be considered suburban.  Alameda Contra Costa Los Angeles



	Mono Plumas Sierra Siskiyou Trinity	Imperial Kern Kings Madera Merced Monterey Napa Placer Sacramento San Benito San Joaquin San Luis Obispo Santa Barbara Santa Clara Santa Cruz Shasta Solano Sonoma Stanislaus Sutter Tulare Ventura Yolo Yuba	Marin Orange Riverside San Bernardino San Diego San Francisco San Mateo
	at least 15 du/ac	at least 10 du/ac	at least 20 du/ac
<b>at least 30 du/ac</b>			

**Metropolitan Statistical Area:** Qualification of an MSA requires the presence of a city with 50,000 or more inhabitants, or the presence of an Urbanized Area (UA) and a total population of at least 100,000

**HELPFUL HINTS**

Local governments should reach out to the development community (both for-and non-profit) for feedback and input on the ranges of density needed to promote project feasibility for housing affordable to lower-income households.

In the description of individual projects, the element could describe the amount of per-unit subsidy needed to make the units affordable to lower-income households.

**Environmental Constraints and Adequate Infrastructure**

*Government Code Section 65583.2(b)(4) requires a general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.*

**REQUISITE ANALYSIS**

**Environmental Constraints**

The housing element must analyze the suitability of the sites which are identified for residential development relative to environmental conditions or issues. This analysis should address the degree of certainty the proposed development potential of these sites is subject to, addressing the following:

- a. The housing element must include a general description of any known environmental features (e.g., presence of floodplains, protected wetlands, oak tree preserves) that have the potential to impact the development viability of the identified sites. This site suitability analysis must demonstrate that the existence of these features will not preclude development of the sites identified in the inventory at the projected residential densities/capacities as indicated in the element.
- b. The element should also describe the status of the sites regarding the environmental determinations, along with any adopted mitigation measures, that have been made or are pending for the areas identified, pursuant to the California Environmental Quality Act (CEQA). The element need only describe those environmental constraints where documentation of such conditions is available to the local government.

The analysis could identify which sites would likely be subject to negative declarations or mitigated negative declarations, versus any sites which are not covered by an applicable an environmental impact report. For example, many of the sites identified in the land inventory may qualify for one of the exemptions pursuant to CEQA (Public Resource Code Sections 21083.3(e), 21159.21, 21159.22, 21159.23, or 21159.24). The element should also describe whether any of the sites identified pursuant to Government Code Section 65583.2 are subject to pending litigation on environmental grounds that could impact their availability for development during the planning period; the circumstances should be described in the element.

- c. The analysis could also describe housing element policies or objectives that will result in outcomes with environmental benefits. The element could describe how specific sites in inventory or particular programs or policies will avoid or minimize environmental impacts that might otherwise occur. For example, planned siting of affordable infill housing or higher density transit-oriented

development accessible to employment and services are supportive of objectives to minimize an increase in vehicle miles traveled (VMT) or greenhouse gas emissions and air quality objectives.

Also, while the statute requires a general analysis of environmental constraints, local governments will find it beneficial in demonstrating site suitability and realistic buildout capacity to describe site specific environmental conditions (see sample analyses).

### Adequate Infrastructure Capacity

*Government Code Section 65583.2(b)(5) requires a general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. This information need not be identified on a site-specific basis.*

The element must include a general description of the public infrastructure necessary to serve housing development. The analysis must include a description of how the infrastructure capacity associated with the identified development potential can be accommodated, to establish the feasibility of the sites for development within the planning period. This analysis is also related to the evaluation of development fees and exactions and permit processing, particularly where development fees are planned to enable construction of infrastructure improvements.

The analysis should indicate whether the housing development potential would require expansion or improvement of existing facilities, or new infrastructure development, and should identify the requirements of all applicable agencies, including the county, special districts, and any regional bodies. Where mitigation of particular infrastructure constraints is beyond the capacity of the local government alone (e.g., regional water facility construction, or levee repair), the element should describe what role the local government is or will play in supporting mitigation of the constraint. If the requisite infrastructure capacity is not available upon adoption of the element, the element must include program actions (e.g., implementation of capital improvement plans, financing through general obligation or special district bonds, etc.) to address infrastructure capacity limitations or shortfalls (see Program Screens).

The element must include sufficient detail to determine whether the service levels of water delivery/treatment systems and sewer treatment facilities are sufficient to accommodate development on the identified sites. Those sites in the inventory identified as being suitable and available for housing to accommodate the regional housing need for above moderate-income households, but located in areas not served by public sewer systems, need not be listed on a parcel-by-parcel basis.

#### Chapter 727, Statutes of 2005 – Water and Sewer Service Priority

Chapter 727, Statutes of 2005 (SB 1087) establishes processes to ensure the effective implementation of Government Code Section 65589.7. This statute requires local governments to provide a copy of the adopted housing element to water and sewer providers. In addition, water and sewer providers must grant priority for service allocations to proposed developments that include housing units affordable to lower-income households. Chapter 727 was enacted to improve the effectiveness of the law in facilitating housing development for lower-income families and workers. This memorandum notifies pertinent agencies of these existing and new responsibilities.

For local governments, Chapter 727 now requires all cities and counties to immediately deliver the adopted housing elements of the local general plan and any amendments to water and sewer service providers. The Department recommends that copies of existing housing elements and amendments be submitted to service providers within a month of receipt of this notice. Future updates or amendments to the housing element should be sent within a month after adoption. When submitting copies of housing elements to service providers the Department further recommends inclusion of a summary/ quantification of the local government's regional housing need allocation and any other appropriate housing information. Moreover, to effectively implement the law, local governments should consult with water and sewer providers during the development and update of the housing element, as well as sending copies of the adopted plan. This will facilitate effective coordination between local planning and water and sewer service functions to ensure adequate water and sewer capacity is available to accommodate housing needs, especially housing for lower-income households.

For water and sewer providers, Chapter 727 establishes specific procedural requirements to facilitate implementation, such as:

1. Requiring water and sewer providers to adopt written policies and procedures, **no later than July 1, 2006**, that grant priority to proposed development that includes housing affordable to lower-income households. For private water and sewer companies regulated by the Public Utilities Commission, the commission shall adopt written policies and procedures for use by those companies in a manner consistent with the statute.
2. Prohibiting water and sewer providers from denying or conditioning the approval or reducing the amount of service for an application for development that includes housing affordable to lower-income households, unless specific written findings are made.
3. Requiring Urban Water Management Plans to include projected water use for single-family and multifamily housing needed for lower-income households.

### HELPFUL HINTS

- ⇒ Planning and housing department staff should coordinate with the Public Works Department to identify infrastructure improvements planned and prioritized as part of a local Capital Improvement Program (CIP). The CIP is a long range major public infrastructure and planning tool for municipalities and often includes an assessment and strategy statement of the jurisdiction's policies and financial tools to manage the physical development of the community.
- ⇒ If a portion of the sites identified pursuant to Section 65583.2 are included within an "infill opportunity zone" pursuant to a Congestion Management Plan (CMP) (Government Code Section 65089(a) and 65088.4), the applicable development conditions or exemptions from traffic level of service standards should be described.

**MODEL ANALYSES**

→ [Sample Sites Inventory](#)

**LINKS**

- [HCD: Technical Assistance Memo on AB 2348 \(Mullin\), Statutes of 2004, Chapter 724](#)
- [HCD: Publications on Residential Infill and Related Development Issues 2006](#)
- [HCD: Memo on Water and Sewer Service Priority for Housing Affordable to low-Income Households \(SB 1087\)](#)
- [City of Los Angeles' Small Lot Design Guidelines](#)
- [City of Sacramento Infill House Plan Program](#)
- [Non-Profit Housing Association of Northern California](#)
- [Southern California Association of Non-Profit Housing](#)
- [San Diego Housing Federation](#)
- [California Building Industry Association](#)
- [HUD's Regulatory Barriers Clearinghouse](#)
- [Senate Infill Summary Report](#)
- [California Infill Parcel Locator](#)
- [UC, Berkeley, Center for Community Innovation](#)
- [Community Connections](#)
- [Center for Land Recycling](#)

[Previous](#)

[Next](#)

[Conditions of Use](#) | [Privacy Policy](#)  
Copyright © 2009 State of California