

City of Albany



General Plan Housing Element

**Draft for Planning and Zoning Commission Review
June 23, 2009**

INTRODUCTION & EXECUTIVE SUMMARY:..... 5

THE CITY AND ITS HOUSING ELEMENT FRAMEWORK 5

PART 1 – REVIEW OF PREVIOUS HOUSING ELEMENT..... 9

PART 2 – ASSESSMENT OF HOUSING NEEDS 17

PART 3 - REGIONAL HOUSING NEEDS ALLOCATION..... 37

PART 4 – ANALYSIS OF CITY POLICIES..... 39

PART 5 — SITES INVENTORY AND ANALYSIS..... 51

Adopted _____

Albany City Council

Marge Atkinson, Mayor
Joanne Wile, Vice Mayor
Farid Javendal
Robert Lieber
Peggy Thomsen

Robert Zweban, City Attorney

Planning and Zoning Commission

Peter Maass, Chair
Andrea Gardner, Vice Chair
David Arkin
Philip Moss
Leo Panian

City Staff

Beth Pollard City Administrator
Ann Chaney, Community Development Director
Jeff Bond, Planning and Building Manager
Amber Curl, Associate Planner
Lilly Jacobson

Introduction & Executive Summary: The City and its Housing Element Framework

State law mandates that all municipal governments prepare and maintain Housing Element as a chapter of its General Plan. The Housing Element is a long-range planning document that evaluates existing demographics of the community, housing conditions, and identifies policies required to allow the community to meet its regional share of market rate and affordable housing.

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 City of Albany's current Housing Element was approved in 1992 as part of the comprehensive update to the City's General Plan. Subsequent to the 1992 plan, the City has implemented a variety of housing policies and procedures, but has not updated its Housing Element since that time.

The City of Albany is located on the eastern shoreline of the San Francisco Bay, 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 with close to 17,000 residents. The community combines a small-town ambiance with its central location in a major metropolitan region. In addition, it is well known for its high quality public schools. There are two main commercial streets in Albany; San Pablo Avenue running north-south, and Solano Avenue running east-west. Aside from these two streets, the city is primarily composed of a mix of single-family and modest sized multi-family housing, with a small redevelopment/ industrial area that runs along Interstate 80.

The city is relatively "built out" in that there are very few undeveloped parcels, therefore opportunities to produce additional housing are limited. In addition to the obstacles to affordable housing typically experienced by other bay area cities, the City has its own unique obstacles due to its small parcels and limited municipal government resources.

As part of the Housing Element process, the State determines the total need for housing in each region of California. In turn, the Association of Bay Area Governments (ABAG) is 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. Summary Table 1 details the City of Albany’s allocation.

**Summary Table 1:
Albany’s Share of the Regional Housing Needs Allocation 2007-2014**

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
TOTAL UNITS	276

*Area Median Income

Source: Association of Bay Area Governments

Identification of Sites for Housing Development

Review of current policies coupled with discussions from a series of public meetings has resulted in draft Housing Element that includes thirteen sites proposed as potential development sites for providing additional housing (see Section 5 “Housing Inventory” for locations and map). The thirteen proposed sites are located throughout the city, in locations that are currently designated for residential development. No rezoning or increase in allowed density of development is required to meet the City’s obligations. The draft Housing Element, however, identifies a number of proposed policies for increasing the availability of housing throughout the City

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 State Department of Housing and Community Development (HCD) 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.

On July 24, 2007, the Planning and Zoning Commission held a public hearing, which included review of the draft housing allocation assigned to the City, which led into initial discussions about the upcoming Housing Element update. Shortly thereafter, the City Council held a public hearing, which entailed a similar discussion and approved the Regional Housing Needs Allocation of 276 units, with no requests for revision of allocation.

On November 27, 2007, the Planning and Zoning Commission held a public study session, which provided an introduction, overview and discussion about the technical requirements of the Housing Element, as well as city-specific goals for the document. On January 7, 2008, the City Council had a similar introduction and discussion.

On March 31, 2009, a community roundtable workshop was held. Community members, alongside the Planning and Zoning Commissioners, held small group discussions about the preferred sites in Albany for residential redevelopment. The goal was to find some combination of sites to achieve the required 276 units. At the end of the session, each group voted on their preferred sites, providing guidance to staff on how to proceed with the Housing Element Update.

On April 14, 2009, the Planning and Zoning Commission had a public hearing with a follow up discussion about the roundtable workshop. The preferred site areas that resulted from the roundtable workshop were discussed in further detail. On May 12, 2009, the Planning and Zoning Commission held a public hearing where the first draft of the Housing Element was reviewed. The Commission and community members provided recommendations for revisions and requested additional information.

California Environmental Quality Act

The approval process includes compliance with California Environmental Quality Act requirements. Following receipt of feedback from the State Housing and Community Development Department (HCD), the City will begin the formal CEQA review process.

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."

As part of the preparation of the Housing Element, 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, 97 of which were required to be low-income.

It is estimated that during that planning period, 154 units were completed, leaving 123 units not yet constructed. The location of previously identified sites for 252 units of housing is based on the City's 1992 Housing Element,

In addition, the development of affordable units has lagged behind the development of market rate units. There is a variety of explanations, such as, 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.

**Table 1-1
1999-2006 Regional Housing Need Allocation**

	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
2001 Allocation	64	33	77	103	277

**Table 1-2
Units Constructed 1999-2006**

	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
Previously Identified Sites in 1999-2006 Housing Element Still Available**

	Very Low Income*	Low Income*	Moderate Income	Above Moderate Income	Total
• 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**

	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
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.

Review of Housing Related Policies (1992 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. From 1988 to 1998, 67 low-income households received housing rehabilitation loans. The City has and will continue to utilize CDBG funding, to support programs such as the Minor Home Repair and Rehabilitation program, which provides subsidies for fundamental home improvements. The City will continue to work with Alameda County HCD to implement programs that preserve and improve existing housing

stock. 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 City has updated its Planning and Zoning Code to limit the number of rental units that can be converted to condominiums to no more than 3% of the City's total multi-family rental housing stock.

- Policy 1.3 Strengthen programs to upgrade and maintain a safe and sound housing stock.
 - Progress: The City does not have a full-time code enforcement officer. Thus, the enforcement program relies on the City's building and planning staff to enforce code requirements. This program will be continued in the 2009 Housing Element. In addition, the City's Fire Department conducts annual fire inspections for all multi-family projects with three or more 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 has adopted an inclusionary housing program which requires 15% of proposed units be made affordable to low and very-low income households.
 - The City has adopted a density bonus ordinance, which allows flexibility in development requirements if they include increased affordable housing.

- The City has continued to participate in the HCD Mortgage Credit Certificate program, which assists moderate-income, first-time homebuyers.
- 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 City submitted an application to the Association of Bay Area Governments to establish portions of Albany Hill as Priority Conservation Areas.
- 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 remaining C-E and C-2 areas to the San Pablo Commercial designation. 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 multi-family projects have been approved under this designation, including 12 units of rental housing at 701 San Pablo, 21 condominiums above commercial at 914-916 San Pablo, and 25 units of condominiums at 727 San Pablo Avenue.
- Policy 2.4 Encourage developments of secondary dwelling units, balancing the need for increased affordable housing with the need to provide parking and protection of existing neighborhood character.
 - Progress: A number of new secondary units were approved and constructed since the last Housing Element. Between 1999-2006, 20 units were approved and built.

A secondary housing unit ordinance was adopted in 2005. The ordinance, in conformance with state law, allows for second-units at all R-1 (single-family residential) zoned sites.

- Policy 2.5 Encourage development of rental housing above commercial development along Solano Avenue.
 - Progress: The rezoning to Solano Commercial and San Pablo Commercial has encouraged mixed-use development along this street, including a number of mixed-use projects.

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.
 - The City recognizes the limited housing resources for the aging and special needs population will work with potential project applicants to provide special needs housing whenever possible and appropriate.
 - The City has and will continue to contribute funds to the Homeless Management Information Systems, which tracks homeless in order to provide services, such as housing, to homeless in the city.
 - The City does not impose extra project review to for housing for persons with disabilities.
 - The City adopted a Disabled Persons Housing Ordinance in 2005, which provides a review process specifically for housing serving disabled persons, which allows streamline review.
- 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 permitted districts.
 - The City will also continue to make financial contributions to 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 continues to respond to inquiries and concerns of tenants and provides support and referrals to fair housing programs.

- 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 to Housing Rights Inc., which provides support services to Albany renters and property owners.

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)).

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, such as 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
TOTAL	4,680	5,190	5,430
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 as 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**

OWNER-OCCUPIED UNITS: SF3- H97						
Income Range	Total Households	% of Total Households	0-20% of HH Income	20-29% of HH Income	30-34% of HH Income	35+% of HH Income
\$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
Subtotal	2,795		976	713	248	561
RENTER-OCCUPIED UNITS: SF3- H73						
Income Range	Total Households	% of Total Households	0-20% of HH Income	20-29% of HH Income	30-34% of HH Income	35+% of HH Income
\$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
Subtotal	3,453		1,057	911	327	969
TOTAL	6,248		2,033	1,624	575	1,530
<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>						
<i>Note: Some households are not accounted for; therefore, figures may slightly differ for other U.S. Census estimates for Total Households.</i>						

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

	Total Renters	Total Owners	Total Households
Household Income <=30% MEDIAN INCOME	547	227	774
% Cost Burden >30%	79.5%	81.1%	80.0%
% Cost Burden >50%	59.2%	65.6%	61.1%
Household Income >30% to <=50% MEDIAN INCOME	417	261	678
% Cost Burden >30%	70.0%	43.0%	64.0%
Household Income >50% to <=80% MEDIAN INCOME	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%
TOTAL	3,558		3,453		7,011	
% Overcrowded by Tenure	93	2.6%	388	11.2%	481	6.9%

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**

	Total Renters	Total Owners	Total Households
Household Income <=30% Median Income	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**

Year Built	Number	Percentage
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 %
Total	7,248	

Source: H34. Year structure built

Data Set: Census 2000 Summary File 3 (SF 3)

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

Census Tract #	1990-2000	1980-1990	1970-1980	1970-Earlier	Total Housing Units
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**

Value/Rent	1990	2000	1990-2000 Percent Change	2007	2000-2007 Percent Change
Median Home Value	\$239,600	\$334,800	39.7%	\$612,500	155%
Median Gross Rent	\$660	\$947	43.5%	\$1,083*	64%*

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**

BEDROOM TYPE	MEDIAN MARKET RENTS
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

Developer/ Development Name	Number/Type of Units	Unit Size (sq. ft.)	Price Range	Status
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**

	2000 Census
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**

	Number	Percent
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%
Total Persons with a Disability	2,054	13.3%
Total Population (Civilian Non-institutional)	15,417	
<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**

	Number	Percent
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

Householder Age	Owners	Renters	Total
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

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

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 Income by Size**

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	
<i>Source: 2000 Census (2000 Census SF 3: H42)</i>						

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**

Farm Operations with less than 10 employees	
Permanent	
Seasonal (e.g. less than 150 days)	
Total	
Farm Operations with 10 or More employees	
Permanent	
Seasonal (e.g. less than 150 days)	
Total	
<i>Source: USDA 2002 Census of Farm workers, USDA & 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. In 2007, Albany adopted a Green Building and Bay Friendly Landscaping Ordinance, which requires all projects requiring discretionary review to 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.
2. The City is currently in the process of creating a Climate Action Plan (CAP) that is anticipated to be 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 of sale. It also may propose a residential retrofit requirement, which includes energy efficiency compliance.
3. The City incorproates 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 incorproats PG&E programs to promote energy conservation. These programs include rebates and incentives for residential for energy conservation.
5. The City supports 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.

Identification and Analysis of Developments At-Risk of Conversion

Pursuant to Government Code Section 65583, subdivision (a), paragraph (8), this subsection 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.

The city does not have any publicly assisted housing projects that are at risk of conversion due to termination of government programs. 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.

Part 3 - Regional Housing Needs Allocation

As part of the Housing Element 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 the San Francisco bay Area, 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 2007-2014**

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
TOTAL UNITS	276

*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. A total of 19 units can be applied to the current RHNA allocation.

**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. Table 3-3 illustrates how many remaining units are needed in each income category to reach our RHNA. A total of 106 units would need to be affordable to low or very low income households.

**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
TOTAL UNITS	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...”.

Local ordinances and policies are adopted 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 a lengthy City review of development projects can be a hurdle to development of housing, the process is necessary to ensure that the quality of life is maintained and future housing projects are of the highest possible caliber. Albany’s Planning and Zoning Commission and City staff work closely with applicants to expedite approval procedures so as not to put any unnecessary timing restrictions on development.

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). The basic residential development standards for Albany are summarized in Table 2 of the Planning and Zoning Code, which is found in the Appendix 1. 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.

Development Standards

One particular development requirement that contributes to difficulty in creating additional housing is Measure D, which is a voter approved initiative passed in 1978 that requires that 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 a total of 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

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. Allowing parking in the front yard, but not in the public right-of-way, would provide additional parking opportunities for residential properties. It would therefore provide increased opportunities for second units and a higher number of residential units in multi-family zoning districts.

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 of parking solutions. It can also require that the use of space be provided for parking instead of additional housing.

Allowing a parking exception for in-fill, 5,000sq.ft. parcels or less, for multi-family housing and mixed-use developments would also provide more opportunities to develop higher density housing. Currently the Planning and Zoning Code allows for a reduction in multi-family housing from two off-street spaces to 1.5. The 1.5 parking spaces per unit, however, is still greater than the number compared to other comparable cities in the area.

For example, the Institute of Transportation Engineers provides a “parking generation rate,” indicating demand for parking, in low and mid-rise apartments of 1.04 spaces per unit on weekdays and 1.21 spaces per unit on weekends.

Inclusionary Housing Provisions

The City complies with 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 an inclusionary housing ordinance. The ordinance requires that any development with five (5) or greater units provide 15% of units as low or very-low income. Many of the recently reviewed projects on in-fill lots have been for four or fewer units. Staff believes that not requiring inclusionary housing units or fees for fewer than five units has influenced developer’s decisions on the number of units to be proposed. Requiring an inclusionary housing fee for projects with four or fewer units would provide consistency in review, and more importantly provide additional funds for producing additional housing in the city.

Density Bonus

“Density Bonus” is a state law that is intended to provide an incentive for developers to create affordable housing. The law is complex, but in summary, it requires the City to allow increases in size of development projects if certain thresholds of affordable housing are met. As part of State Law, the City has adopted a density bonus ordinance as part of the Planning and Zoning Code (Section 20.40.040). To date, the City has not taken action on a request for a density bonus. The City has received, however three requests for density bonus.

One of the key issues is whether the units used to comply with the City’s inclusionary housing units also can count towards earning a density bonus. It is the City’s current interpretation that inclusionary units should not count towards earning a density bonus. The primary basis of this recommendation is that density bonus should be used to create more affordable housing. In the absence of providing additional affordable housing through a density bonus, applicants can still avail themselves of standard Planning and Zoning regulations and construct a housing project consistent with City requirements.

State law has been revised since adoption of the ordinance in 2005. Previously an applicant would have to provide information supporting the financial need for a density bonus. The state statute has changed to eliminate the need for financial feasibility and approval is based on a comprehensive review of appropriateness and desirability of the project, much like most projects requiring discretionary review. The City’s Planning and Zoning Code should be revised to reflect the changes to the state statute.

Secondary Housing Units

The state requires that no more than one parking space be required for a secondary unit with one or less bedrooms, unless city makes special findings. The City’s Secondary Residential Unit Ordinance has aggregated parking requirements, up to two spaces for the secondary unit, depending on the date of construction. The Code also requires that the applicant prove that a second space is not required and special findings must be made to reduce the parking. Requiring such proof is subjective and there are not clear standards by which to evaluate such a request.

The parking requirements have shown to be somewhat of a hindrance to second unit development. In addition, independent access for the secondary housing units is required so that both housing units can access parking. The small sizes of Albany lots make this parking requirement difficult, and may be a disincentive for second unit development. Allowing tandem parking for both the primary and the secondary units would enable a greater number of properties to create a second unit.

Given that the ordinance also restricts second units to consist of one-bedroom rentals, the requirement for two off-street parking spaces and special findings 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.

Transitional, Homeless and Emergency Housing

The City participates in a comprehensive planning effort through the Alameda County-wide Homeless Continuum of Care Council, which includes forty-five regional members. The City also contributes to the 2-1-1, a local agency that provides resource information for community services, including seniors, people at-risk, with disabilities and non-English speakers. The City will continue to work with these programs to expand resources, information and services for people needing transitional and emergency housing.

The City currently has a land use category for boarding homes, which are allowed in residential areas. The city, however, does not have a land use definition or category for SRO (Single-room occupancies). SRO's are often small in size and used by those in transitional housing situations, which include recently or those on the cusp of homelessness, farm workers, those at-risk, low-income persons, etc. They are desirable because their small size and often shared or limited amenities generally make them a more affordable housing option. The City should create a land used category for SRO's and create a review and approval process.

In addition, the City has an Emergency and Transitional Housing section of the Housing Provision that has a goal of providing streamlined and accessible emergency and transitional housing. The zoning districts, however, designating where such a use is permitted is not included in the land use table and thus needs to be updated.

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 to defray all or a portion of the City costs related reviewing applications for compliance with planning and building standards; 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.

**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
TOTAL	\$6,300	\$13,900

Source: Albany Community Development Department

Art in Public Places Program

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, but to date, applicants have not indicated that the requirement is affecting the financial feasibility of proposed projects.

The Art in Public Places Program includes exemption and hardship procedures for publicly-assisted projects in which the public source of funding, or other applicable regulation or

policy, prohibits the use of funds for public art. There also is a hardship in which applicants may seek reduction in requirements.

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

- = Not Permitted

SC= Solano Commercial

SPC= San Pablo Commercial

CMX= Commercial Mixed Use

PF= Public Facility

WF= Waterfront

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

Land Use¹	R-1	R-2	R-3	R-4	RH D	SC	SPC	CMX	PF	WF¹¹
Residential										
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	-	-	-	-	-	-	-
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 ⁴	UP ⁴	-	-	-
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 general projects in the entitlement process.

**Table 4-3:
Timelines for General 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	60-90 days
Environmental Impact Report	270-360 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

Tables 4-5 identifies the typical processing time for a single-family residential addition, which is the most common type of project processed in the city. New single-family residential buildings have similar processing times. The processing time with the request for additional exceptions, i.e. Conditional Use Permits, Parking Exceptions, etc, are comparable as well. New

single-family residential additions and homes are categorically exempt from CEQA under section 15303, “New Construction or Conversion of Small Structures.”

**Table 4-5:
Timelines for Single-Family Residential Procedures**

Type of Review	Typical Processing Time
Design Review	30-75 days
Appeal Period (Building permit plans can be submitted but no permit issued)	14 days
Building Permit Review	30-75 days

Source: Albany Community Development Department

Residential Design Guidelines

The City recently adopted new Residential Design Guidelines that include specific design objectives. The Guidelines serve as the standard by which staff and the Commission evaluates residential development. In Albany, the Planning and Zoning Commission serve as the Design Review Board, and nearly all residential projects 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 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

Within the City of Albany, as an older built-out higher density community, there are many long-standing code violations. In addition, new construction is nearly always of an in-fill nature, and thus has the potential to significantly affect the quality of life of neighboring residents and businesses. Similarly, deterioration of an existing structure has a greater impact due to the density of the City.

Currently, the Community Development Department does not have a full-time professionally staffed code enforcement division. As a result, City staff work on code enforcement activities is secondary to other responsibilities, and thus not all code violations can realistically be addressed.

Historically, the City’s general philosophy of obtaining code compliance has been through education, dialogue between parties, and other cooperative efforts. In several cases, however, this approach has not been successful.

In an effort to improve the effectiveness of the City's code enforcement efforts, 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. In 2008, the City adopted, by reference, the Uniform Code for the Abatement of Dangerous Building published by the National Conference of Building Officials. In addition, in 2009, the City adopted an administrative citation ordinance that authorizes monetary penalties in significant code enforcement situations.

The city prioritizes code enforcement activities first to those situations where an immediate risk to health and safety of individuals exist. Second priority is given to situations related to significantly improving quality of life or preventing substantial property damage. In setting priorities for quality of life and property damage violations, city staff shall consider the amount of resources required to address the situation relative to the amount of improvement expected. The City generally does not become involved in situations that are regulated and enforced by other government agencies, private nuisances, abandoned vehicles, graffiti on private property, or similar situations.

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. In at least one recent case, the City's code enforcement efforts resulted in an abandoned property being repaired and made available for occupancy.

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 accommodates requests such as special structures or appurtenances (i.e. access ramps or lifts) needed by persons with physical disabilities on a ministerial basis. Albany does not impose additional zoning, building code, or permitting procedures other than those allowed by State law.

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. 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. From time to time, the City does receive requests for exceptions to state and federal accessibility requirements. The procedures for review of these requests should be updated to ensure consistent treatment.

Part 5 — Sites Inventory and Analysis

The purpose of the site 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 initial screening for potential sites included 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).

Because Albany is mostly built-out, the potential for residential development lies predominantly in small infill development. There are a few vacant sites available, but many of the sites identified are underutilized, with existing uses that are ideal for redevelopment into multi-family housing. The sites are similar to others in the area that have been already been redeveloped with housing. 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.

University Village—Partial Section, 1 Site: 138 Units

Site 1

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



University Village:

University Village is a 77 acre site with 973 units of family student housing for UC Berkeley students. Within University Village are two adjacent development site with a combined area of 4.2 acres, between San Pablo Avenue and 8th Street. These parcels are included in the University Village Master Plan, prepared by UC Berkeley, which calls for additional housing at the site.

As currently zoned, the sites are located in two zones: San Pablo Commercial and R-2 (Residential Medium Density), both of which allow for residential development.

Based on the current zoning the realistic development capacity for the housing at this site is 138 units. The buildings shown in the aerial photographs had been apartment buildings containing 149 housing units. These buildings were demolished in 2007 and replaced in another area of University Village. The land has been vacant since then, and shows potential for housing development. *

**It should be noted that an application has been submitted for a mixed-use project at this site. One of the two parcels will contain a Whole Foods grocery store, and the other is proposed to have a senior housing facility with 175 units. If approved, this project will have to be rezoned in order to accommodate the 175 units. It will be entirely zoned as San Pablo Commercial, instead of partially San Pablo Commercial, and partially R-2.*

R-3 District Infill, 5 Sites: 26 Units

Site 2		845 Cleveland Avenue							
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





845 Cleveland:

A new 4-unit housing development is nearly completed, which was formerly vacant land. The property is unique in that it is comprised of four adjacent lots, which is a high number, and rare to find in the city. Individually the lots are nonconforming; however through a Planned Unit Development they were developed with two duet style buildings, providing 4 new units. The challenges in developing the property included topography of the parcel, along with its corner location and close proximity to the train tracks.

Site 3

423-427 Talbot Avenue

(Net Gain: 10 units)

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



423-427 Talbot:

These two adjacent 5,000 square-foot parcels currently contain single-family homes in an R-3 (Residential High Density) zone. The existing homes were built in 1937, and had previously been renter-occupied units, before being purchased by a developer in 2008. The developer submitted an application for a 12-unit housing complex to be constructed on the two parcels, and the project was approved in the fall of 2008. Construction had not yet begun on this project.

The City's parking requirement of 2 spaces per unit was lowered to 1.5 spaces per unit after a parking survey and analysis was conducted by City Staff. This was the first time that the City had lowered the parking requirement for a multi-family project, and it allowed a denser form of housing development to be approved at this site. The property is also located in a transit corridor where bus services, BART, and retail services are all in close proximity.

The City acknowledges that it is common for adjacent parcels to have common ownership, and has experienced an increase in the number of inquiries about merging and redeveloping similar sites.

Site 4**1157 Brighton Avenue****(Net Gain: 2 units)**

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

**1157 Brighton:**

This property is similar to the property discussed at 423-427 Talbot. It is comprised of two adjacent single-family homes in an R-3 (Residential High Density) district that were purchased by a developer in 2007. The parcels were merged into one 5,000 square foot site, and an application for a 4-unit townhouse development was approved in 2008. The existing homes were built in 1928, and had been renter-occupied before being purchased by the developer. The site for this project is a corner lot, with a multi-family apartment building on the western side, which makes it a prime site for a higher density residential use than currently exists. Construction for this project will likely begin this year.

Site 5**412-416 Stannage Avenue****(Net Gain: 4 units)**

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	None
067 - 2828-005-00	R-3	63 du/ac	Residential High Density	0.06	2,500	2	Resid. Single-Family	Yes	None

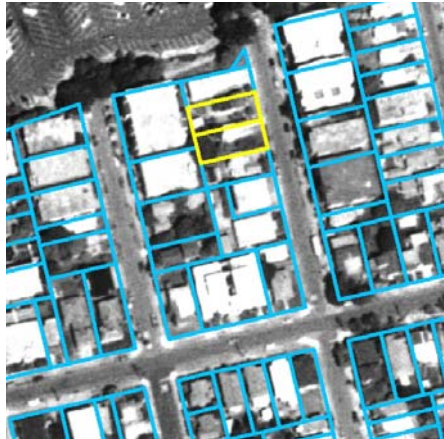
**412-416 Stannage Avenue:**

These two parcels show potential for the same type of development that was approved at the 423-427 Talbot and 1157 Brighton. The site consists of two renter-occupied single-family homes in an R-3 district, both built in 1940. This particular site has one parcel of 5,000 square feet and one parcel of 2,500 square feet. Zoning Code standards allow up to 8 units for 7,500sq.ft. lot; however, based on previously approved densities for similar projects in this area, a realistic development capacity for this site would be 6 units.

In order to maximize infill development on Albany's small lots, the trend has been to combine adjacent lots to provide for higher density housing. This site is currently surrounded by higher density residential uses, which may not set precedence for aesthetic preference but does support multi-family housing in the neighborhood and at the site.

Site 6**404-408 Cornell Avenue****(Net Gain: 6 units)**

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	None
067 - 2829-004-00	R-3	63 du/ac	Residential High Density	0.1	4,200	4	Resid. Single-Family	Yes	None

**404-408 Cornell Avenue:**

The existing homes were built in 1939, and sit on two 4,200 square foot lots. Given the previously approved densities for this area, 8 units could be constructed at this site. Each of these similar R-3 infill sites is in the same neighborhood, near a shopping center and a BART station. This makes them particularly desirable sites for higher density housing because they provide the amenities nearby that will encourage less reliance on automobiles, and more emphasis on walking and public transportation. This can warrant parking reductions for projects in this neighborhood, as was seen with the project at 423-427 Talbot.

Solano Avenue Commercial Infill, 3 Sites: 24 Units

Site 7

1451 Solano Avenue

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



1451 Solano Avenue:

Currently, California Bank and Trust sits on this 13,000 square foot parcel. It is zoned as Solano Commercial, which allows residential mixed-use development, but is being underutilized as a single-story bank building with a large parking lot behind. The parking lot abuts a single-family residence and multi-family building, and the site spans the entire block of Solano between Santa Fe Avenue and San Carlos Avenue.

The bank was constructed in 1981, and given that many banks are consolidating their branches, and expanding on-line services, the site shows potential for redevelopment, and would be an ideal location for housing along Solano Avenue. A typical mixed-use development in Albany's commercial zones has a density of 30 units per acre, which would allow for 9 housing units at this site.

Site 8**1245 Solano Avenue**

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



1245 Solano Avenue:

This site is one of the few remaining vacant lots along Solano Avenue. It consists of two adjacent narrow parcels, approximately 3,000 square feet each. On the western side is a large apartment building, and on the eastern side is a café. The site remains unused during the predominant portion of the year, except for occasional seasonal use as a Christmas tree lot. A mixed-use development along this commercial street would be an efficient way to provide housing without demolishing an existing use, and would provide a continuous building frontage along Solano Avenue, which is desirable in urban areas. Given the densities of other mixed-use projects in the area, and current parking standards, 4 units could be constructed at this site.

Site 9**1216 Solano Avenue**

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

**1216 Solano:**

This site is the Kid's YMCA facility, owned by the Albany Unified School District. It is currently zoned as a Public Facility, and will need to be re-zoned in order to be developed with housing units.

San Pablo Avenue Commercial Infill, 5 Sites: 65 units

Site 10

934 San Pablo Avenue

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



934 San Pablo:

This site is currently an underutilized surface parking lot along San Pablo Avenue, and sits between two existing commercial uses. There was a proposal in 2008 to construct 12 units of housing in a mixed-use building at this address. The application included the first and only request for a density bonus, as was required for the approval. Some of the challenges in designing of the project included meeting all development requirements while continuing to preserve the quality of air and light for adjacent single-family properties at the rear.

The site shows potential for residential mixed-use development, and would be a desirable location for multi-family housing. There have been similar infill mixed-use projects along San Pablo, which is a commercial corridor that is transitioning to include more mixed-use development. A project at this site would also provide a continuous frontage along the street, creating a more pedestrian-friendly atmosphere. Similar residential developments along San Pablo have been developed at 30 units per acre, which would allow for 5 units at this site.

Site 11**1061-1063 San Pablo Avenue**

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 - 2662-037-01	SPC	63 du/ac	General Commercial	0.23	10,000	7	Parking Lot	Yes	None



1061-1063 San Pablo Avenue:

This site is a very large underutilized surface parking lot with a small structure at the back of the lot that serves as a Hertz Rental Car office. The site has commercial uses on the southern and northern sides, and abuts two large multi-family units on the eastern side, making it an ideal candidate for a mixed-use development along San Pablo.

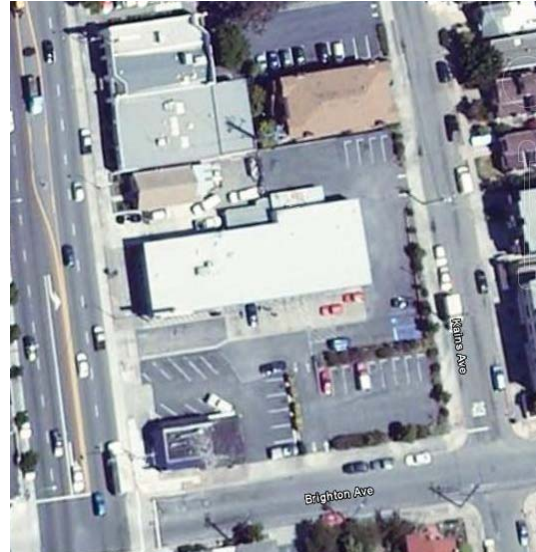
Like many of the commercial properties discussed, development at the site would create a continuous street front, and would be in keeping with the City's efforts to promote mixed-use and residential development along the San Pablo commercial corridor.

It is a preferable location for infill development, and would require minimal demolition because the current usage is predominantly surface parking. Most mixed-use development along this street has been developed at 30 units per acre, which would allow for 10 units at this site.

Site 12

433 San Pablo Avenue

APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
067 - 2827-009-01	SPC	63 du/ac	General Commercial	0.67	29,323	20	Automotive Use/Parking Lot	Yes	None



433 San Pablo Avenue:

This site contains a Goodyear Automotive service that was built in 1967. The lot has a unique configuration, with a surface parking lot that wraps around behind the automotive building to Kains Avenue (an R-3 street), and along Brighton Avenue on the corner. The parking lot is underutilized and rarely, if ever, fully parked. The building is a large single-story structure that fronts along San Pablo. The total area of the lot is approximately 29,300 square feet, and could contain 20 housing units if developed at a similar density to other mixed-use projects in the area. A project of a similar scale was developed at 727 San Pablo, and contained 25 housing units.

Because this site stretches back to Kains Avenue behind San Pablo, a redevelopment of this parcel would be an improvement along both streets. It would provide additional residential units in the R-3 zone abutting San Pablo Commercial, and would expand mixed-use development along San Pablo itself.

Site 13

665 San Pablo Avenue

APN	Zone	Allowable Density	GP Designation	Acres	Lot Sq. Ft.	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
067 - 2813-014-04	SPC	63 du/ac	General Commercial	0.23	10,000	7	Restaurant	Yes	None
067 - 2813-009-00	R-3	63 du/ac	Residential High Density	0.11	5,000	3	Restaurant/Parking Lot	Yes	None
067 - 2813-014-02	R-3	63 du/ac	Residential High Density	0.11	5,000	3	Restaurant/Parking Lot	Yes	None
067 - 2813-014-03	R-3	63 du/ac	Residential High Density	0.11	5,000	3	Restaurant/Parking Lot	Yes	None



665 San Pablo:

Sizzler Restaurant sits on the corner of San Pablo Avenue and Portland Avenue, on a large site that is mostly underutilized surface parking. The site is comprised of 4 parcels totaling 25,000 square feet—15,000 of which are used for surface parking. The parking lot runs along Portland Avenue all the way back to Kains Avenue (an R-3 street). There is a multi-family building adjacent to the parking lot on Kains, and several residential uses across the street.

Redevelopment of this site with mixed-use would be appropriate and would be an improvement for the neighborhood along Kains. The restaurant structure was built in 1972, when development trends were to provide single-story commercial structures with large parking lots. Across Portland Avenue from this site is 727 San Pablo, which was developed with 25 housing units. A similar development at this site would be appropriate. If developed at a similar density, 16 units could be constructed.

Site 14**805 San Pablo Avenue**

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



805 San Pablo:

This site is a Mechanic's Bank building along San Pablo, with a parking lot behind that stretches to Kains Avenue (an R-3 street). The site is 20,000 square feet, with 10,000 square feet for the bank building and 10,000 square feet for surface parking. The bank building fronts along San Pablo, is one story, and was built in 1966. Because of the economic situation, many banks are consolidating their branches, making this site a good candidate for redevelopment. The parking lot is across Kains Avenue from a multi-family townhouse-style development, and is adjacent to a large multi-family apartment building. Residential development would be appropriate at this site, and would provide increased residential usage in the R-3 zone along Kains. It would also be in keeping with the City's efforts to promote mixed-use along San Pablo. If developed at a density similar to other projects along this street, the site could contain 14 units of housing.

Second 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 1999-2006 planning period, 20 secondary units were developed in Albany. As provided for in Government Code Section 65583.1, the City is applying the twice the 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 R-1 single-family 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 single-family residential zones (R-1) district only. There are many properties in multi-family zoning districts that are developed with only a single-family home. The City should explore revision of the Planning and Zoning Code to allow secondary housing units to be allowed in all residential zoning districts, so long as there is only one single-family residence and the second unit is a subordinate use, which complies with all standards for a second unit.

The size restrictions for second units serve as a way to preserve affordability of the units.

The state requires that no more than one parking space be required for a secondary unit with one or less bedrooms, unless city makes special findings. Vote approved measure D, however, requires two parking spaces per unit. To address this discrepancy, the City's Secondary Residential Unit Ordinance sets parking standards based on the date of construction.

The parking requirements have shown to be somewhat of a hindrance to second unit development. In addition, independent access to the parking space for the secondary housing units is required so that both housing units can access parking. The small sizes of Albany lots make this parking requirement difficult, and may be a disincentive for second unit development. Allowing tandem parking for both the primary and the secondary units would enable a greater number of properties to create a second unit.

Given that the ordinance also restricts second units to consist of one-bedroom rentals, the requirement for two off-street parking spaces and special findings 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 and believes that allowing them in all zoning districts and revising parking requirements will result in a higher number of secondary units produced. The architectural review standards, fees and exactions, and permitting process do not hinder the development of second units.

A. Site Regulations by District – Residential: Table 2. A.

Table 2. A. prescribes development regulations for the various residential zoning districts.

Table 2.A. 20.24.020 Site Regulations by District: Residential					
Standard:	Zoning District:				
	R-1	R-2	R-3	R-4 (1)	RHD (2)
Maximum Density (Dwelling units/acre)	12 (3)(10)	35	63	87	6 or 9 (4)
Maximum FAR (Floor Area/Lot Area Ratio) Single-family dwelling Multi-family dwelling	0.55 (5)	0.55 (5)	0.55 (5) 1.50(6)(7)	N/A	0.50 (8)
Minimum Lot Area per Dwelling Unit (sq. ft.)	N/A	1,250	(9)	500	
Minimum Lot Size (sq. ft.) (10) Single-family Two-family Multiple-family Public/Quasi-public	3,750 N/A N/A 10,000	3,750 3,750 3,750 10,000	3,750 3,750 3,750 10,000		5000 (8)
Minimum Lot Width (ft.) Single-family Two-family Multiple-family Public/Quasi-public	35 N/A N/A 75	35 37.5 37.5 75	50 50 50 75		50 (8)
Maximum Lot Coverage (% of lot area) Single-family Two-family Multiple-family Public/Quasi-public	50% N/A N/A (11)	50% 50% 50% (11)	50% 50% 70% (11)		40% (8)
Maximum Building Height (ft.) Single-family Two-family Multiple-family Public/Quasi-public	28 (12) N/A N/A 35	28 (12) 35/28(14) 35/28(14) 35	35 35/28(14) 35/28(14) 35		(13) (8)

Table 2.A, Continued					
Standard:	Zoning District				
	R-1	R-2	R-3	R4⁽¹⁾	RHD⁽²⁾
Minimum Yard Setbacks (ft.)					
Single-, Two-, Multiple-family:					
Front	15 ⁽¹⁵⁾	15 ⁽¹⁵⁾	15 ⁽¹⁵⁾		15 ⁽⁸⁾⁽¹⁵⁾
Side, interior	⁽¹⁶⁾	⁽¹⁶⁾	⁽¹⁶⁾		^{(17) (8)}
Side, exterior	7.5	7.5 ⁽¹⁸⁾	7.5 ⁽¹⁸⁾		^{(17) (8)}
Rear	20	15	15		20 ⁽⁸⁾
Single-family second story addition	⁽¹⁹⁾	⁽¹⁹⁾	⁽¹⁹⁾		
Public/Quasi-public	⁽¹¹⁾	⁽¹¹⁾	⁽¹¹⁾		
Maximum Fence Height	See subsection 20.24.110				
Minimum Usable Open Space (Multi-family dwellings)	See subsection 20.24.090				
Accessory Buildings	See subsection 20.24.130				
Notes, Table 2. A:					
1. In R-4 District, site regulations not specified will be determined by the Planning and Zoning Commission on consideration of an application for a use permit. Existing densities of developed sites are deemed to be conforming, but existing densities will not be permitted to be increased above the maximum density permitted in the R-3 District.					
2. In the RHD District, all multiple-family development, and any single-family development which comprises 2 or more acres of land area, shall be processed as a Development Plan under Planned Unit Development procedures specified in subsection 20.100.060. See subsection 20.24.040 for development regulations applicable to the RHD District in addition to the regulations stated in this table.					
3. The higher maximum density stated in the General Plan takes into account the pre-existence of substandard nonconforming lots.					
4. The Albany General Plan divides the area subject to the RHD District into two density classifications: Low Density = 6 dwelling units/acre. High Density = 9 dwelling units/ acre.					
Through the Planned Unit Development process (subsection 20.100.060) allowable density may be reduced according to slope density restrictions and/or the presence of natural topographic features.					
The City may permit the transfer of density from one portion of a development site to another, upon making a finding that the density transfer is necessary to accomplish the purposes of this Chapter.					

Notes, Table 2. A:

5. The Planning and Zoning Commission may approve a floor/area ratio of up to .60 based on determination that any of the following conditions exist:
- (a) The site is of such a size that application of the .55 floor/area ratio would result in a gross square footage of less than one thousand five hundred (1,500) square feet.
 - (b) The site is in a zone other than R-1 and buildings on any surrounding properties exceed FAR .60, and the higher FAR is warranted by considerations of harmonious transition among properties.
 - (c) The proposed design has architectural features that contribute substantially to neighborhood quality, which could not be achieved in a smaller building mass.

6. FAR may be increased to 1.75 where open space is provided at twice the minimum requirement stated in Subsection 20.24.090.B.

7. Enclosed off-street parking shall be included in the calculation of the FAR, except that such parking area that is located entirely below grade may be excluded. (See subsection 20.24.050.C)

8. Applies to single-family development in RHD District on land comprising less than 2 acres. Also shall be considered to be the minimum standards required for development of a single-family planned unit development on 2 acres or more, except that modified development standards may be approved if deemed appropriate by the Planning and Zoning Commission and City Council.

9. Varies by the number of dwelling units, according to the following schedule:

Number of Units	Minimum Lot Area Required (square feet)
3	3,750 (1,250 sq. ft./unit)
4	4,500 (1,125 sq. ft./unit)
5	5,000 (1,000 sq. ft./unit)
6	5,828
7	6,598
8	7,310
9	7,965
10	8,563
11	9,103
12	9,585
13	10,000 (770 sq. ft./unit)
14	10,640
15	11,250
16	11,840
17	12,410
18	12,960
19	13,490
20	14,000
21	14,490 (690 sq. ft./unit)
Over 22	690 sq. ft./unit

Notes: Table 2.A, continued
10. Existing lots which do not meet minimum area standards may be developed or improved as provided in Section 20.44, Nonconforming Uses, Structures and Lots.
11. For public and quasi-public uses, lot coverage and yard setbacks will be determined by the Planning and Zoning Commission on consideration of an application for a use permit or design review.
12. Planning and Zoning Commission, subject to Design Review criteria, may grant a use permit to allow greater height for second story additions, up to 35 feet, measured in accordance with subsection 20.24.080, and based on at least one of the following findings: <i>a. The existing house has a partial ground story that causes an increase in the overall height of the building, and there are sound design reasons for considering a roof line which exceeds twenty-eight (28) feet.</i> <i>b. The natural downward or upward topography of the site causes an increase in the overall height of the building. The minimum roof pitch has been maintained on the addition to be consistent with the existing architectural design of the house. The height has been measured from the natural or finished grade to the highest point of the roof.</i> <i>c. The existing architectural character and design of the house is maintained. Design factors have been considered to offset or minimize the increased height, such as breakup in the mass and bulk, offsetting one or more portions of the addition from the ground story wall line, and adding architectural details and elements such as horizontal trim or other features to create interest.</i>
13. Height limits in RHD District are specified for single-family residences only. The maximum building height for a single-family residence on a downhill site shall be thirty-five (35) feet above the original grade of a site measured from the midpoint of the building envelope. The maximum permitted height for a single-family residence on an uphill site shall be twenty-eight (28) feet above the original grade of a site measured from the midpoint of the building envelope.
14. Maximum building height is three stories, or 35 feet, above grade, except that the maximum height allowed at the front setback line shall be 28 feet plus a 45-degree daylight plane. (See subsection 20.24.070.B.)
15. Through lots are deemed to have two front property lines, one at each street, and front yard setback requirements shall be applicable to both lines.
16. Ten percent (10%) of lot width, up to a maximum of 5 feet, with a minimum requirement of 3 feet, except that the minimum setback for multi-family structures in the R-3 District is 5 feet.
17. Ten percent (10%) of lot width, or 5 feet, whichever is greater.
18. One (1) foot shall be added for each 12 feet of height above the lowest 15 feet of building height.

Notes: Table 2.A, continued

19. Exceptions to setback requirements may be made in the case of a second story addition to a single-family dwelling, as follows:

- (a) A second story addition may be built which builds over an existing wall or foundation which does not conform to the required setbacks, subject to design review by the Planning Commission and obtaining a use permit. Existing walls which do not conform to the existing side or rear yard setbacks may be extended in an existing vertical or horizontal plane, subject to design review by the Planning and Zoning Commission and a use permit. Such extensions shall not further encroach on any required setback, (i.e., a nonconforming wall which encroaches one (1) foot into a required setback shall not be permitted to encroach two (2) feet) nor shall any extension create a new encroachment in another direction.

- (b) Extension of existing walls which do not conform to the existing front yard setback is discouraged. Such walls may be extended in an existing vertical or horizontal plane, subject to design review by the Planning and Zoning Commission and obtaining a use permit. Such extensions shall not further encroach on any required setback, (i.e., a nonconforming wall which encroaches one (1) foot into a required setback shall not be permitted to encroach two (2) feet) nor shall any such extension create a new encroachment in another direction. Required conditional use permit and design review findings for the extension of a nonconforming front wall shall be made separately from findings required for extension of other nonconforming walls.

B. Site Regulations by District – Nonresidential: Table 2. B.

Table 2. B. prescribes development regulations for the various, commercial, public and waterfront zoning districts.

Table 2.B. 20.24.020. Site Regulations by District: Nonresidential					
Standard:	Zoning District:				
	SC	SPC	CMX	WF⁽¹⁾	PF⁽¹⁾
Maximum Density (Dwelling units/acre)	63	63	N/A	N/A	N/A
Maximum FAR (Floor Area/Lot Area Ratio)					
Mixed-use Development (more than one use, including residential and commercial or other permitted nonresidential uses)	1.25	2.25	0.5	0.5	N/A
Commercial portion of any development (not to be exceeded, regardless of mix with other uses, or any bonus increase in the total FAR of development)	1.25	0.95	0.5	0.5	NA
Multi-family dwelling, where it is the sole use of a site, and subject to maximum density permitted in R-3 District (See Table 2-A)	1.25	N/A	N/A	N/A	N/A
Live/work space	N/A	N/A	⁽⁴⁾	N/A	N/A
Minimum Lot Area per Dwelling Unit (sq. ft.)	⁽³⁾	⁽³⁾	⁽²⁾	N/A	N/A
Minimum Lot Size (sq. ft.)	None	None	5000		None
Minimum Lot Width (ft.)	None	None	50		None
Maximum Lot Coverage (% of lot area)	100%	100%	80%		
Maximum Building Height (ft.)	35	38/20/12 ⁽⁴⁾	45		40
Minimum Yard Setbacks (ft.)					
Front, or exterior side	⁽⁶⁾⁽⁷⁾	⁽⁶⁾⁽⁷⁾	None	⁽⁵⁾	
Side, interior	⁽⁸⁾	⁽⁸⁾	⁽⁹⁾		
Rear	⁽⁸⁾⁽¹⁰⁾	⁽⁸⁾⁽¹⁰⁾	⁽⁹⁾		

Table 2.B. 20.24.020. Site Regulations by District: Nonresidential, continued

Standard:	Zoning District:				
	SC	SPC	CMX	WF ⁽¹⁾	PF ⁽¹⁾
Maximum Fence Height	See subsection 20.24.110				
Minimum Usable Open Space (Multi-family dwellings)	See subsection 20.24.090				
Notes, Table 2. B:					
1. In the WF and PF Districts, and in cases of Public/Semi-public uses in all districts, site regulations not otherwise specified will be determined by the Planning and Zoning Commission on a use permit/design review basis.					
2. Live/work space will be included in the calculation of commercial floor area, and will be subject to the maximum FAR standards for each district. District standards for minimum lot area per dwelling shall not apply to live/work units. See Table 1 for land use permitting procedures for live/work in individual districts.					
3. Same as R-3 District, See Note 7, Site Regulations Table 2A: Residential.					
4. Maximum building height is three stories, or 38 feet, above grade, except that where the rear property line abuts a residential district, the maximum height or at the rear setback line shall be 20 feet plus a 45 degree daylight plane, or at the rear property line shall be 12 feet plus a 45 degree daylight plane. (See subsection 20.24.070.A.)					
5. No enclosed structure shall be located within 100 feet of the shoreline, except as specified in the Waterfront Master Plan. Continuous public access to the water's edge shall be preserved and established consistent with The Bay Trail-Planning for a Recreational Ring Around the Bay, (ABAG, July 1989.)					
6. Through lots are deemed to have two front property lines, one at each street, and front yard setback requirements shall be applicable to both lines.					
7. None required along San Pablo Avenue. If front setback is provided, it shall not exceed a depth of four feet (4) at street level. Where fronting a street immediately parallel to San Pablo Avenue: 15 feet, plus a daylight plane. (See subsection 20.24.070.B) Where a property in the SC District has an exterior lot line at a street that intersects with Solano Avenue, and any property located directly across such a street is in a residential district: 15 feet, plus a daylight plane. (See subsection 20.24.070.B)					
8. None, except where an interior side or rear yard of a nonresidential property abuts an R District: See subsection 20.24.070.A.					
9. The minimum setbacks where a lot abuts an R District shall be 10 feet at either side or rear yards.					
10. May be waived by Planning and Zoning Commission, except where rear yard abuts an R district.					

(Ord. No. 04-09)