

**CHAPTER 1 edits:**

**Page 1-7 of the Housing Element will be edited as follows:**

~~All Housing Element meetings were advertised on the City's website, and notices were e-mailed to a data base of interested parties. Each meeting included opportunities for public comment, and the October 1 meeting was entirely focused on input from residents, housing advocates, and other stakeholders. In an effort to achieve the participation of all economic segments of the community, the City provided notice of these meetings to local housing advocacy groups and social service providers. Participants in recent housing element meetings have included homeless residents, students, families, single persons, empty nesters, seniors, persons with disabilities, and members of the faith community.~~

As required by Government Code Section 65583(c)(8), the City's outreach program was designed to reach all economic segments of the community. Notices of meetings were posted at public buildings and were advertised on the City's website. Agendas and staff reports were posted on the City's website prior to the meetings, and meeting summaries were posted afterwards. Every meeting included an opportunity for public comment, and there were speakers present in every instance.

In addition, each meeting was preceded by an "e-blast" notification to a list of interested parties maintained by the City. The "housing" e-mail list is a sub-set of a master e-mail list maintained by the City. Of the 1,266 names on the master e-mail list, 160 have requested notification of meetings, events, or publications that specifically address housing. The "housing" email notification list includes Albany renters and homeowners, businesses, housing advocates, members of the faith community, social service providers, homeless individuals, non-profits, building industry representatives, realtors, contractors, the carpenters union, educational institutions, and the local media. The media was present at most housing-related meetings, with stories appearing in the Albany Patch and the Contra Costa Times / Oakland Tribune.

The City provided sign-in sheets at its meetings, both to update its housing e-mail list and ensure that all participants continued to receive notification of meetings and publications. Based on the sign-in sheet for the October 1, 2013 Town Hall meeting, attendees included representatives of at least two churches, several homeless and housing advocacy organizations, homeless individuals, and legal organizations representing the homeless and other housing advocates. The testimony received from the public at the Housing Element meetings reflects the participation of persons of diverse economic backgrounds, with a majority of speakers strongly favoring additional affordable housing production and housing services in the City.

City staff has also worked with community-based organizations to foster a constructive dialogue on housing needs in the city. On November 7, 2013, staff participated in a Community Engagement Working Group on the Housing Element. The Working Group includes 16 residents representing diverse backgrounds with a shared commitment to improving affordable housing opportunities in Albany. A second meeting of this group took place in early January 2014, and they have planned a community-wide meeting on housing issues for January 28, 2014. It is expected that this group will continue to meet through 2014 as the next (2015-2022) Housing Element is prepared, with the City participating in the process.

SEE HCD COMMENT C

In January 2014, the City hosted a field trip to its housing opportunity sites with non-profit developers, architects and affordable housing proponents. A workbook was provided to each tour participant, with space for written feedback. The purpose of the field trip was to identify ways the City might facilitate housing production on these sites, and to discuss housing opportunities and constraints in Albany. The feedback will help shape housing policies and programs during the anticipated update of the Housing Element later in 2014.

In addition to soliciting public input as part of the Update process, the Housing Element itself reflects edits suggested by the community, and programs which are responsive to the needs identified during public meetings. For example, the Element includes a program to explore the use of the City's share of residual Redevelopment Agency funds for affordable housing, a concept suggested by local housing advocates. In response to public input, the City has also strengthened program language on community education programs related to housing and a future ballot measure to modernize parking requirements.

The revised Draft Housing Element was submitted to HCD for formal review on October 25, 2013. Pursuant to Government Code Section 65585(b), HCD issued formal findings on the document on December 27, 2013. HCD received several pieces of correspondence from local housing advocates and their advisers during the review period. The City reviewed the correspondence in detail, and made edits to the October document in response. *The City then worked cooperatively with HCD and the local housing community to revise the document and ensure that the edits met all statutory requirements. A study session with the Planning and Zoning Commission was held on January 22, 2014 to consider proposed revisions. These edits were subsequently vetted with the City Council and incorporated into the document.*

*The Housing Element was presented to the Planning and Zoning Commission for a formal recommendation on \_\_\_\_\_. It was adopted by the City Council on \_\_\_\_\_. Following adoption, the document was resubmitted to HCD for a formal determination of compliance. This determination was made on \_\_\_\_\_.<sup>1</sup>*

<sup>1</sup> *Italicized text represents scheduled tasks as of October 25, 2014. Italics to be removed and text to be updated as needed following adoption.*

**CHAPTER 2 edits:**

Page 2-3 through 2-5 will be edited as follows (redlined text indicates additions/deletions)

**Carry Over of Unmet Need**

Housing Element Law Implementation Requirement (GC 65584.09, Chapter 614, Statutes of 2005 [AB 1233]) stipulates that:

- (a) *“For housing elements due on or after January 1, 2006, if a city or county in the prior planning period failed to identify or make available adequate sites to accommodate the regional housing need allocated, then the city or county shall, within the first year of the planning period of the new housing element, zone or rezone adequate sites to accommodate the unaccommodated portion of the regional housing need allocation from the prior planning period.*
- (b) *The requirements under subdivision (a) shall be in addition to any zoning or rezoning required to accommodate the jurisdiction’s share of the regional housing need pursuant to Section 65584 for the new planning period.*

As indicated in Table 2-3, the City exceeded its total RHNA for 1999-2006 by 66 units but had an unbuilt “remainder” of 57 very low income units and 16 low income units, or 73 lower income units total. Twenty-five of the 164 excess moderate-income units can also be considered affordable to above-moderate income households, so there is no carryover of above-moderate income units.

The City of Albany must demonstrate that it had the capacity to accommodate these 73 lower income units during the last planning period. If it cannot, the unbuilt units must be added to the current (2007-2014) RHNA assignment. An analysis of the sites available for housing during 1999-2006 confirms that Albany did, in fact, have adequate sites to accommodate its RHNA throughout the planning period.

Chapter 4 of this Housing Element includes a detailed inventory of housing sites available during the 2007-2014 period. Most of the sites available during the current housing cycle were also available during the previous housing cycle. They did not redevelop due to market conditions or because the property owner opted not to pursue development during that time period. There were at least 14 sites available during the prior period zoned for densities of 35 to 63 units per acre, as summarized in Table 2-4 below.

Additional detail on each of these sites is provided in Chapter 4. Specific information on the availability of these sites during the 1999-2006 period is provided below.

SEE HCD COMMENT A.1(a)

**Table 2-4  
Availability of Housing Sites During 1999-2006**

<b>Ref.</b>	<b>Address</b>	<b>Status during 1999-2006</b>	<b>Zoning<sup>1</sup></b>	<b>Area (Sq Ft)</b>	<b>Theoretical Capacity (net, based on zoning)</b>	<b>Realistic Capacity During 1999-2006 (net)</b>
<u><a href="#">A</a></u>	707-707 Solano	Vacant	R-3	12,000	15	8
<u><a href="#">B</a></u>	936 Kains	Vacant	R-3	5,000	5	4
<u><a href="#">C</a></u>	Cornell/Brighton	Underut.	R-3	5,000	5	4
<u><a href="#">D</a></u>	423-427 Talbot	Underut.	R-3	10,000	11	10
<u><a href="#">E</a></u>	404-408 Cornell	Underut.	R-3	8,400	9	8
<u><a href="#">F</a></u>	412-416 Stannage	Underut.	R-3	7,500	6	6
<u><a href="#">G</a></u>	425 Evelyn	Underut.	R-3	9,400	7	5
<u><a href="#">H</a></u>	707-711 Adams	Vacant	R-3	9,982	13	7
<u><a href="#">I</a></u>	1245 Solano	Vacant	SC	6,000	6	5
<u><a href="#">J</a></u>	934 San Pablo	Parking	SPC	7,500	12	11
<u><a href="#">K</a></u>	433 San Pablo	Underut.	SPC	29,323	42	21
<u><a href="#">L</a></u>	611 San Pablo	Underut.	SPC	5,000	5	4
<u><a href="#">M</a></u>	1061-1063 San Pablo	Underut.	SPC	15,000	21	11
<u><a href="#">N</a></u>	398-400 San Pablo	Underut.	SPC	31,723	45	23
	<b>Total</b>			<b>161,828</b>	<b>202</b>	<b>127</b>

Notes: (1) Densities allowed in these zoning districts ranges from 34 to 63 units per acre, depending on lot size. *SC and SPC zones were the C-1 and C-2 zones until 2005.*

During the 1999-2006 period, sites A and B were vacant lots with R-3 zoning. These two sites were developed in the current (2007-2014) period, but could also have been developed during the prior period. Zoning regulations supported their development during that time, and infrastructure and services were available.

Site C had two small homes during 1999-2006. These were demolished in 2008 to facilitate construction of a four-plex, but that project could have proceeded at any point during 1999-2006 under the R-3 zoning in place at the time. Likewise, Site D had two small rental cottages present, as it does today. Zoning on that site was R-3 throughout 1999-2006. The site was approved for multi-family development in 2008-9, but could have also been proposed for development at any point during 1999-2006.

Sites E, F, and G similarly had existing residential uses throughout 1999-2006, but the structures were far smaller what was allowed under the R-3 zoning which applied throughout this period. A review of building permit records for these sites indicated no significant investment in the existing structures during 1999-2006, suggesting the existing uses were not being expanded or improved for long-term use. The last building permit issued at 425 Evelyn was for roof replacement in 1984, while the last permits issued at 408 Cornell and 412 Stannage were for roof replacement in 1990. There have been no permits at all issued at 416 Stannage since the house was built 73 years ago. City records show illegal construction and stop work orders at 404

SEE HCD COMMENT A.1(a)

Cornell in 2005, suggesting compliance issues which could further diminish the value of the existing structures.

Site H was vacant throughout the 1999-2006 period. Its R-3 zoning was in place, and services and infrastructure were available, as they are today. Site I was vacant throughout 1999-2006, with zoning that would have enabled multi-family residential or mixed use construction. Site J was likewise vacant and commercially zoned. Although development was not proposed on the property until 2008, it could have been developed at any point during the prior nine years,

Additional housing opportunities during the prior (1999-2006) period existed on under-developed commercial sites on San Pablo Avenue. Sites K, L, M, and N in Table 2-4 provided opportunities for multi-family construction during that time, just as they do today. Site K is the Goodyear Tire store at 431-433 San Pablo. A review of permit records for this property from 1999-2006 indicates the existing commercial building was not improved or expanded during this time period. The property was the subject of numerous blight-related actions in the mid-1990s, mostly related to graffiti abatement. Likewise, permit records for Site L indicate no investment in the existing 1,250 square foot concrete block structure whatsoever during the last 50 years.

Site M is the Hertz Rental Car lot. Its C-2 zoning would have facilitated mixed use residential development throughout 1999-2006, just as the SPC zone does today. A property records search for this site indicated it is owned by an auto dealership developer in another city and has been leased to Hertz since 2001. There was no investment in the property between 1999 and 2006 other than a new sign. Throughout 1999-2006, the only improvements on the site consisted of a small trailer (prior structures were demolished in 1991).

Site N is the car wash and dry cleaners property just south of the El Cerrito line. Although the car wash was remodeled in 1999, it was the subject of numerous complaints from residents in 2000-2001 due to excessive noise. There was a citizen-driven movement to shut down the car-wash in 2000, including a petition signed by 44 residents. Given the opposition to the established uses on the site, which had been in place since 1962, an alternate use (such as housing) could have been positively received at that time.

Collectively, ~~these~~ the 14 sites listed in Table 2-2 total over 161,000 square feet (3.7 acres) and had the realistic capacity to produce 127 units of high density housing between 1999 and 2006. This is 74 percent higher than the un-built portion of the RHNA for the 1999-2006 time period. The San Pablo Avenue sites listed above had the same zoning and general development characteristics as the sites that actually were developed during the 1999-2006 period. Sites that actually developed formerly included a mortuary, a former motel, a gas station, and miscellaneous retail uses.

It is also important to note that the City had many other sites where multi-family or mixed use development at densities exceeding 20 units per acre could have located in addition to the sites listed in Table 2-2. The mixed use zoning in place on Solano and San Pablo Avenues was in place throughout 1999-2006. The San Pablo commercial district (formerly called the C-2 district) encompasses approximately 25 net acres of land zoned to allow between 35 and 63 dwelling units per acre. Physical conditions on this corridor during 1999-2006 were similar to conditions

today. Many parcels contained (and still contain) single story automotive service and repair uses, small one-story commercial structures dating from the 1930s and 40s, large parking lots, and other activities which are far below the development intensities permitted by zoning.

Similarly, multi-family uses were allowed during the 1999-2006 period on all parcels facing Solano Avenue, albeit with limitations on multi-family housing on the ground floor. Because parcels on the Solano corridor are typically smaller than those along San Pablo Avenue or contain multiple structures with separate tenants, larger multi-family and mixed use projects may have been less feasible than they were (and continue to be) on San Pablo.

The R-3 zoning district likewise afforded opportunities to develop multi-family housing during 1999-2006 beyond those listed in Table 2-2. Table 2-2 is intended to be a list of the best opportunities, rather than all opportunities. There are 16 R-3 parcels listed in Table 2-2. However, the R-3 district includes approximately 300 parcels. Half of the parcels in this district – 152 in all – are currently developed with single family homes.<sup>1</sup> These parcels typically range from 3,500 to 5,500 square feet, providing their owners with the opportunity to redevelop them with multi-family uses (zoning would allow 3 to 5 units on each site, depending on size). Opportunities to aggregate parcels in this area could also have been pursued during 1999-2006, enabling potentially larger development sites.

-Affordable housing capacity also existed throughout the planning period in the form of second units, which is not quantified above.

In addition to the sites listed above, the Albany Bowl site and an 11-acre parcel on the west side of Albany Hill were listed as housing opportunity sites in the 1992 Housing Element. Zoning regulations and City policy supported the reuse of the Albany Bowl with housing or mixed use during the 1999-2006 period. The 1992 Housing Element had estimated the site could support 58 housing units (a density of 38 units/acre), or 72 units with a density bonus. However, the owner opted not to pursue development during the 1999-2006 time period.

The 11-acre parcel on the west side of Albany Hill is zoned to allow 6 units per acre. As such, it may not be counted as suitable to meet the low/very low income portion of the RHNA during the 1999-2006 time period. The site was available to meet moderate and above moderate income housing needs during this time period.

Given the analysis above, the City had adequate capacity during 1999-2006 and is not required to carry its unbuilt RHNA from the 1999-2006 planning period forward to 2007-2014. More total units were constructed than the total RHNA during the 1999-2006 period, and adequate sites were zoned and available to meet the City's lower income housing need.

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<sup>1</sup> This total includes 45 single family homes in the "western" R-3 area between Cleveland and Pierce, 23 homes zoned R-3 on Adams, 46 homes zoned R-3 on Kains, and 38 homes zoned R-3 north of Brighton.



**CHAPTER 3 edits:**

**Page 3-26 last paragraph is edited as follows:**

Within the City of Albany, emergency, transitional, and permanent housing options are very limited at this time. The City has established a temporary shelter at the Albany Bulb. The shelter consists of two prefab buildings, each roughly 800 square feet, with 15 bunk beds of two beds each. One shelter serves men and the other serves women. A mobile shower unit has also been parked at the site, and a kennel has been provided for dogs. The city is also offering limited rent subsidies for Bulb residents to secure alternative housing.

However, the facility at the bulb is temporary, and longer-term solutions are still critical. The City does not have a permanent emergency shelter, and there is no transitional or supportive housing. The City's small size and limited budget constrains its ability to offer supportive services. Presently, the nearest emergency shelters are in Berkeley, Richmond, and Oakland.

**Page 3-30 is edited as follows:**

*Structure Type*

Table 3-21 indicates the number (and percentage) of housing units by structure type in Albany in 2000 and 2010. Just over half of the housing units in the City are single family detached homes. The percent has not changed substantially since 2000. Approximately 16 percent of the City's housing units are in multi-family buildings with 20 or more units. A majority of these units are located on the west side of Albany Hill along Pierce Street and in UC Village. Roughly 11 percent of Albany's housing units are in buildings of 2 to 4 units, and about 17 percent are in buildings with 5 to 19 units.

Some of the numeric changes between 2000 and 2010 may be the result of different classification methods for housing units rather than construction. For instance, the Census indicated a net increase of 285 single family detached homes between 2000 and 2010, which did not occur. Homes that were counted as single family attached or two unit buildings (for instance, homes with second units) in 2000 may have been counted as single family detached in 2010.

Similarly, the Census reported a net decrease in 3-4 unit buildings (from 544 to 449 units) and 5-9 unit buildings (from 844 to 738 units) between 2000 and 2010. A review of field conditions and building permit records, including annual filings with the California Department of Finance for 2000-2010, indicates that the decrease may have been a result of the demolition of 3-9 unit structures at UC Village (offset by their replacement with buildings containing 10 units or more, which show a 254 unit net gain during the time period). Building permit records do not indicate a loss of 3-9 unit structures outside of UC Village, either due to demolition or the conversion of such structures into single family homes or 2-unit buildings.

As noted in Table 3-22, most of the housing growth between 2000 and 2010 was related to the reconstruction of UC Village. Demolition started in 1998. At the time of the 2000 Census, 356 units had recently been removed but reconstruction had not yet started. By 2010, the project

was completed. There was a net increase of 56 units between 1998 and 2008. However, since a portion of the Village had already been demolished in 1998, the net increase for 2000-2010 was 412 units.

Page 3-42 will be edited as follows:

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

The State Government Code requires the Housing Element to include an analysis of existing assisted housing developments that are eligible to change from low-income housing uses by 2024 due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. The expiration of subsidies presents a challenge in many California cities due to the termination of various government subsidy programs and/or restrictions on rental rates. Such housing is referred to as being “at risk” due to the potential for displacement of lower income households. Communities with at risk units must provide a detailed analysis and proactive policies and programs to preserve these units.

There are no “at risk” units in Albany. The City does not have its own housing authority and is within the jurisdictional area covered by the Alameda County Housing Authority. Like other small cities with limited resources, the City relies primarily on the non-profit sector to produce and manage affordable housing. The City has no publicly assisted housing projects, and one development operated by a non-profit with rent-restricted units. This development (Creekside) was built in 2001 and its affordability restrictions will remain in effect until 2057. ~~not expire before 2024.~~ Likewise, the four inclusionary housing units at Villa de Albany were developed in 2006, ~~and these restrictions will not expire before 2024.~~ The Regulatory Agreement and Declaration of Restrictive Covenants approved for this project indicates the inclusionary units must remain affordable in perpetuity, with no expiration date.

RESPONDS TO PUBLIC  
COMMENT



**Chapter 4 edits:**

SEE HCD COMMENT A.1(b)

**Page 4-1, third paragraph will be edited as follows:**

Because Albany is mostly built-out and is densely developed, the potential for residential development is mostly associated with small infill sites. A few of the sites are vacant but most are underutilized, meaning there is an existing structure on the property or a use that generates some economic return (such as surface parking). Most development in Albany in the last two decades has taken place on such sites. While the site inventory in this chapter considers all land where housing is a permitted or conditionally permitted use, the focus is on commercially zoned land. This is where most private and non-profit multi-family development in the city has taken place in the past 20 years and is likely to be where most development takes place in the future.

**Page 4-2, Table 4-1** has been edited to remove 423-427 Talbot, since the project's entitlements have now expired. The site has been moved to the of discussion "underutilized sites zoned for multi-family housing" on Page 3-6. The totals in Tables 4-1 have been adjusted accordingly (205 units reduced to 195, 7 low income reduced to 6, 22 above moderate reduced to 13)

**Page 4-3, 4<sup>th</sup> paragraph is deleted.** Text on 423-427 Talbot has been deleted, since the project's entitlements have now expired. In Table 4-2, the "committed units" totals have been adjusted to match Table 4-1, and the "Adjusted RHNA" total is now 37 units for Low (instead of 36) and 104 units for "Above Moderate" (instead of 95).

**Page 4-6, add the following sentence to the end of the third paragraph (on 423-27 Talbot):**

Because the owner of the site elected not to pursue the approved development, and the entitlements have recently expired, the site still appears in Table 4-3 as a housing opportunity site.

**Following Page 4-10, a new "Site profile" has been added for 423-427 Talbot****Page 4-14 and 4-15 will be edited as follows:**

Most of Albany's higher-density housing potential is associated with underutilized sites zoned for mixed use development. This includes properties on the San Pablo Avenue corridor and the Solano Avenue corridor. While many of these properties could potentially be redeveloped with higher value land uses, particularly along San Pablo Avenue, the City has focused this inventory on those that present the most evident and immediate opportunities.

Potential housing sites in this category are listed in Table 4-5. Since zoning allows the properties to be developed with projects that are 100 percent commercial, it is recognized that not all of the sites listed in Table 4-5 are likely to be developed with housing. For this reason, the City is providing more capacity than is strictly required to meet its RHNA.

It is worth noting that almost every new construction project along the San Pablo Avenue corridor in Albany in the past 13 years has included multi-family housing. Only one project – like for like replacement of a fast food restaurant at 635 San Pablo – did not. Between 1999 and 2006, roughly 10 percent of the land area along the corridor was redeveloped with high-density

SEE HCD COMMENT A.1(b) and A.1(c)

mixed use projects, adding 74 new units. The San Pablo Avenue sites identified for 2007-2014 in Table 4-5 represent 3.7 acres, or about 15 percent of the land area of the corridor. Moreover, the designation of these properties as "housing opportunity sites" does not in any way preclude housing from being developed on other sites along the corridor.

Based on prior development activity, the expectation on the housing opportunity sites is that most, if not all, of the sites will develop with housing. The City provides a significant incentive for housing on these sites by allowing an FAR of up to 2.25 on San Pablo (and 1.75 on Solano), compared to 0.95 for projects without housing. However, even if half of the sites listed are redeveloped entirely with commercial uses, there would still be sufficient capacity to meet the RHNA. The City has included a program in its Housing Element which will monitor development on the identified sites to ensure that adequate capacity to meet the RHNA is maintained throughout the planning period.

In Table 4-5, ~~Moreover~~, the City has estimated development capacity based on "realistic potential" rather than the "absolute potential" allowed by zoning. "Realistic potential" reflects the densities of recently developed projects along the corridor and is a conservative estimate. This-It recognizes that ~~some most~~ of these properties ~~may will~~ develop with ground floor commercial uses facing the street, rather than as purely residential projects at 63 units per acre. It also recognizes parking requirements, contextual issues, and other factors that ~~make it more difficult to achieve may preclude~~ the maximum density allowed by zoning. As noted in Program 4.D (Chapter 6), the City is considering policies and zoning changes to allow residential uses on the ground floor on San Pablo Avenue, which will likely result in higher density projects in the future.

Real estate trends of the last decade provide evidence that the San Pablo corridor sites are the most viable in the City for multi-family and affordable housing. The City's only 100 percent affordable housing project is located on this corridor. Creekside Apartments (16 units) replaced a former motel (Palm Villa) during the 1999-2006 planning period. The Solano Avenue parcels tend to be more challenging than the San Pablo parcels, as they are smaller and narrower. The Avenue is almost completely built out and is highly regarded as a walkable neighborhood shopping street. Many of the Solano parcels have high existing floor area ratios and fewer opportunities to meet on-site parking requirements.

As noted above, other recent multi-family / mixed use projects in Albany along the San Pablo corridor include Portland Gardens, Albany Gardens, and Villa de Albany. These projects are characteristic of new development along this corridor between El Cerrito and Berkeley. In all three cities, mixed use development consisting of ground floor retail/service uses with two to three stories of housing above have been replacing former marginal commercial uses. In Albany, 67 percent of the housing units added between 1999 and 2013 (excluding second units and UC Village) were in multi-family mixed use projects along the San Pablo corridor.

Specific characteristics of Albany's major housing developments (excluding UC Village) between 2000 and 2010 are as follows:

- Villa de Albany (727 San Pablo Avenue) replaced a former mortuary with 25 housing units, situated above ground floor commercial uses. The parcel is 36,250 square feet in area, and the density is 30 units per acre. The parcel was developed at a Floor Area Ratio of 0.85, which is well below the 2.25 allowed by zoning. No Zoning Variances

were required to develop this project. The project site initially consisted of 13 separate parcels, including a home facing Kains Avenue and a detached garage, as well as the mortuary.

- Portland Gardens (1100 Portland Avenue, at San Pablo) is a 12-unit building on a 10,000 square foot parcel. The former use was a gas station and small retail store. The density of the project is 52 units per acre. The parcel was developed at a Floor Area Ratio of 1.92, which is below the 2.25 allowed by zoning. No Zoning Variances were required to develop this project. No residences were removed to accommodate this project.
- Albany Gardens (900 block of San Pablo and Adams) is a 25-unit building on a 32,500 square foot lot. The development replaced an auto dealership and service center in 2004. The density of the project is 33.5 units per acre. The parcel was developed at a Floor Area Ratio of 1.57, which is below the 2.25 allowed by zoning. No Zoning Variances were required to develop this project. No residences were removed to accommodate this project.
- Creekside Apartments (1155 San Pablo Avenue) is a 16-unit affordable housing development that replaced a former motel. The development is on two parcels, including 8 units on a commercially zoned property facing San Pablo developed at 30 units per acre, and 8 units on a residentially zoned property facing Kains Avenue at 22 units per acre. Average density across the site is 26 units per acre. The San Pablo Avenue parcel was developed at a Floor Area Ratio of 0.8, which is well below the 2.25 allowed by zoning. No residences were removed to accommodate this project.

Based on the above densities, Table 4-5 presumes that the sites larger than 10,000 square feet will develop at 32 units per acre while those smaller than 10,000 square feet will develop at 40 units per acre. For sites where a project is already pending, that project's proposed density has been used. It should be emphasized that density alone is not a determinant of affordability. Of the four recent mixed use developments on San Pablo Avenue, the project that is 100 percent affordable is the least dense.

The analysis in Table 4-5 considers other attributes of the properties which are likely to contribute to their re-use. This includes an estimate of the floor area on each site relative to the floor area permitted by zoning (based on the allowable floor area ratio for mixed use development). As a benchmark for comparison, the City researched the floor area ratios of the former commercial uses on each site that was redeveloped into multi-family mixed use during 1999-2006. These include the former Olsen mortuary at 727 San Pablo (former FAR was 0.3), the former 9,000 square foot auto dealership building in the 900 block of San Pablo (former FAR was 0.28); and the former 8,500 SF Villa Motel at 1155 San Pablo (former FAR was .28). Sites with floor area ratios greater than 0.5 were not considered for inclusion in Table 4-5, and the focus was on those sites with FARs of less than 0.30.

As appropriate, the table also includes a comparison of the assessed value of improvements to the assessed value of the land. Properties with high land values relative to improvement values are often more likely to redevelop than those with large structures.

Table 4-5 identifies ~~ten nine~~ sites, with a total capacity of ~~125114~~ units. One of these sites is located on Solano Avenue and ~~nine eight~~ are located on San Pablo Avenue. REMAINDER OF TEXT UNCHANGED

Page 4-16, bottom: Add new section as follows:

### Housing Sites Not Quantified

The housing sites listed in Tables 4-3 through 4-5 represent the most viable multi-family housing opportunity sites in Albany based on zoning, existing use, land to improvement value ratio, floor area ratio, and other factors. There are additional multi-family housing opportunities that have not been quantified here. These include:

- Approximately 150 lots in the R-3 zone, generally ranging from 3,500 to 5,500 square feet, which are developed with single family homes. A few of these lots appear in the inventory in Table 4-3 (based on site characteristics, structure condition, ownership, and adjacent uses), but others may also be viable sites. These lots could potentially redevelop with 3-5 units each (densities in the 35 unit/acre range), or if aggregated could support larger multi-family developments (densities up to 63 units/acre).
- Other sites in the SPC zone. This zoning district includes approximately 160 parcels. Those identified as most suitable for development (13 parcels) are listed in Tables 4-4 and 4-5. Under current land use regulations, mixed use development with housing at densities ranging from 35 to 63 units per acre could occur on all of the other parcels in this zoning district. Theoretically, this could result in over 1,000 units of housing – but it is not realistic that every single parcel will develop with housing. The City has identified those parcels that appear most likely to redevelop (representing roughly 15 percent of the land area of the corridor), but this does not preclude development on the other sites on the corridor. Many of these parcels contain older auto service uses and uses with large parking lots and low floor area ratios.
- Other sites in the SC zone. The SC zone includes approximately 140 parcels. Those identified as most suitable for development (3 parcels) are listed in Tables 4-4 and 4-5. Under current land use regulations, mixed use development with housing at densities ranging from 35 to 63 units per acre could occur on all of the other parcels in this zoning district.

Page 4-18 (934 San Pablo), edit last column to add redlined text as follows

This is a surface parking lot along San Pablo Avenue. It is zoned San Pablo Commercial. A formal application....

Page 4-20 (433 San Pablo), edit last column to add redlined text as follows:

This site contains a Goodyear Automotive Service that was built in 1967. It is zoned San Pablo Commercial. The lot has a unique...

Page 4-23 (805 San Pablo), edit last column to add redlined text as follows:

This is an active Mechanics Bank built in 1966. The site is 20,000 square feet, with the bank occupying half the site (zoned San Pablo Commercial) and parking (zoned R-3) occupying the rest.

Page 4-25 (398 San Pablo), edit last column to add redlined text as follows:

The site consists of three separate buildings on a 0.73 acre lot. The zoning is San Pablo Commercial, with a Planned Residential-Commercial (PRC) overlay. Two of the....

SEE HCD COMMENT A.1(b) and A.1(c)

Table 4-5 has been expanded to add a new site at 1107-1111 San Pablo Avenue. The new site profile is included at the end of this Attachment.

Text on P 4-26 (Summary of Housing Opportunities) has been edited to reflect addition of these two sites:

Table 4-6 summarizes housing opportunities for the 2007-2014 planning period. The table indicates the capacity for ~~359~~336 additional units. More than half of this total (175 units) is associated with the proposed senior housing development on the UC Village site. The remaining ~~184~~161 units include ten single family detached homes, one duplex, four second units, ~~36~~26 multi-family units on R-3 zoned sites, and ~~127~~108 multi-family units on sites zoned for mixed use development. The total (excluding UC Village senior housing, which is planned to be above-moderate market rate) includes ~~170~~147 units on sites zoned at densities exceeding 20 units per acre, which is the default density for Albany set by AB 2348. This exceeds the RHNA allocation for low and very low income sites by 60%, indicating the City has sufficient site capacity to meet its RHNA.

Figure 4-1 has been edited to add 423-427 Talbot and 1107-1111 San Pablo.

Table 4-6 has been edited to reflect the addition of the two sites listed above

**Table 4-6**  
**Summary of Housing Opportunities**

	Densities greater than 20 units per acre or otherwise anticipated to be affordable	Densities less than 20 units / acre or otherwise anticipated at market rate	TOTAL
Single family infill	0	10	10
Vacant R-2	0	2	2
Underutilized R-3 sites (net increase)	<del>26</del> <u>36</u>	0	<del>26</del> <u>36</u>
Vacant sites zoned for mixed use	5	175	180
Underutilized sites zoned for mixed use	<del>114</del> <u>127</u>	0	<del>114</del> <u>127</u>
Second units	2	2	4
<b>TOTAL</b>	<b>170</b>	<b>189</b>	<b><del>336</del><u>359</u></b>
Adjusted RHNA: Low/ Very Low	(101)	--	<del>(71)</del> <u>(81)</u>
Adjusted RHNA: Moderate/ Above Moderate	--	<del>+29</del> <u>+20</u>	
<b>Balance</b>	<b><del>+47</del> <u>69</u></b>	<b><del>+218</del><u>209</u></b>	

Source: Barry Miller Consulting, 2013

Table 4-7 has been edited to show the new site at 1107-1111 San Pablo, although this site is not presumed to have been available for development in 1999-2006



NEW SITE ADDED: 423-427 TALBOT WAS PREVIOUSLY LISTED AS A COMMITTED PROJECT BUT THE ENTITLEMENTS HAVE EXPIRED. IT HAS BEEN MOVED TO THE LIST OF HOUSING OPPORTUNITY SITES IN THE "UNDERUTILIZED MULTI-FAMILY" CATEGORY.

**Table 4-3: Multi-Family Potential on Underutilized R-3 Sites (CONTINUED)**

Address	APN	General Plan	Allowable Density	Lot Area (Sq. Ft)	Realistic Capacity	Existing Use	Description
<u>423-427 Talbot</u>	<u>067-2831-17</u> <u>067-2831-18</u>	<u>Res-High Dens.</u>	<u>63 du/ ac</u>	<u>10,000 SF</u>	<u>12 units (10 units net)</u>	<u>2 single family homes</u>	<p><u>The site consists of two 5,000 sq. ft lots, each with a single family home. In 2009, the City approved a project which would have replaced the two homes with a 12-unit 3-story market-rate condominium with one inclusionary unit (net gain of 10 units). The approved project included a parking exception to provide fewer spaces than the 24 required. The project required no Variances, met the City's open space standards and satisfied all design review criteria. No density bonus was required to achieve the proposed density of 52 units/acre. The approved project had an FAR of 1.57, which complied with City standards.</u></p> <p><u>The approval of this project coincided with a decline in real estate prices and considerable economic certainty in the Bay Area. The owner opted not to pursue the project and the entitlements have now lapsed. The site was subsequently sold and is once again a potential opportunity site for new multi-family housing. The site is within a 10-minute walk of El Cerrito Plaza BART.</u></p>





NEW SITE ADDED: 1107-1111 SAN PABLO WAS NOT LISTED IN THE OCTOBER DRAFT. IT HAS BEEN ADDED BASED ON THE CHANGED STATUS OF THE PROPERTY, AND INQUIRIES BY THE PROPERTY OWNER.

**Table 4-5: Multi-Family Potential on Underutilized R-3 Sites (CONTINUED)**

Address	APN	General Plan	Allowable Density	Lot Area (Sq. Ft)	Realistic Capacity	Existing Use	Description
<u>1107-1111 San Pablo</u>	<u>065-2410-1</u> <u>065-2410-13</u>	<u>General Comm'l</u>	<u>63 du/ ac</u>	<u>18,500 SF</u>	<u>13 units</u>	<u>Restaurant and Auto Body Shop</u>	<p><u>This site consists of two adjacent parcels on San Pablo Avenue just south of Dartmouth Street. The zoning is SPC. The northerly parcel is 7,500 Sf and contains a small (1,500 SF) restaurant built in 1966. This was originally a KFC fast food restaurant and is now a kebab shop. It became available for sale (list price \$679,000) in December 2013.</u></p> <p><u>The southerly parcel is 11,000 SF and contains a 2,970 SF auto repair shop built in 1963. The owner of the property has built other mixed use developments along the San Pablo Avenue corridor. If the two sites were combined, the resulting 18,500 SF parcel would have the theoretical capacity for 26 units over ground floor commercial use. The property is adjacent to the 16-unit Creekside affordable housing development built by RCD around 2000. The combined assessed value of the two properties is \$895,000 for land and \$689,000 for structures, indicating the property is underutilized. The existing FAR is 0.21 on one site and 0.27 on the other, which is very low relative to what is allowed by zoning.</u></p>



## CHAPTER 5 edits

Edit Page 5-16 as follows, starting on 4<sup>th</sup> paragraph (redlined text is added)

The CMX zone encompasses approximately 35 acres located on the west side of the city. There are approximately 20 parcels in the district. Seven of the parcels in the CMX zone are less than an acre in size and several of the larger (more than one acre) parcels contain multiple buildings with space for lease. These CMX parcels extends in a linear pattern parallel to the Union Pacific rail corridor and are characterized by commercial, light industrial, and vacant land uses. Live-work development is currently permitted in this district, but other residential uses are not.

A number of parcels in the CMX zone are vacant or underutilized. The zone includes a 26,900 square foot large-vacant retail store (PetSmart) on a 63,900 square foot 1.7-acre site just south of Buchanan Street. The building could potentially be subdivided to accommodate multiple uses. Several of the commercial buildings in the 1000 block of Eastshore Highway have vacant space available for rent. Although this is a single 2.23-acre parcel, it include multiple separate buildings with space for lease. Along Cleveland Avenue north of the I-80 underpass, (more than 300 feet to the north), there are vacant parcels between 600 and 650 Cleveland (APN 66-2760-11-10, roughly 5,592 5,000-SF) and between 578 and 600 Cleveland (APN 66-2760-12-4, 15,981 roughly 16,000-SF). Other small underutilized parcels in this area include 650 Cleveland (APN 66-2760-11-5), a 13,000 lot with a 1,500 square foot metal garage.

The City Corporation Yard is also located in the area, at 540 Cleveland Avenue. It is more than 300 feet north of the vacant parcels listed above. The City is currently planning to relocate the Corporation Yard to an adjoining site, creating a potential opportunity on the vacated site. There are also several underutilized or partially vacant buildings on this section of Cleveland Avenue.

Each of the sites listed above would be large enough to accommodate a 25 bed shelter. Such a shelter is presumed to be approximately 2,500 square feet, using a 100 square foot per bed multiplier.<sup>1</sup> The sites listed above are all 5,000 square feet or more and could support a 2,500 square foot building, or have vacant space (or space soon to be vacated) of 2,500 square feet or more. The CMX zone allows 80% lot coverage, 45' tall buildings, and a 0.5 FAR allowance. The zone is accessible to public transit (the AC 25 Bus Line), with direct service to the El Cerrito BART station and is walking distance from numerous services along San Pablo Avenue. The zone includes a Target store, which is Albany's largest retail establishment and which also sells food and sundries.

Potential constraints to development in the CMX zone include the past use of individual sites for industrial activities, and a low risk of shallow flooding in the area near Target. A review of the State Envirostor data base was conducted to determine the extent of hazardous activities in this area. The search indicated that all hazards on potential shelter sites have been remediated with the exception of 536 Cleveland Avenue (the same parcel that contains the City Corporation Yard). Groundwater monitoring is required on this site due to prior activities related to

<sup>1</sup> For comparison, the City of Berkeley uses a 50 square foot/bed multiplier, plus 12.5 square foot/bed multiplier for client intake areas.

Western Forge and Flange. The flood risk in the CMX zone is limited to six parcels along the Eastshore Highway, considered to be in FEMA Zone "X." This is the lowest level flood categorization used by FEMA and it identifies areas prone to flooding frequencies of less than once in 500 years or depths of less than one foot.

*[Editor's Note: At its January 21 2014 meeting, the City Council will consider a recommendation to also allow emergency shelter by right in the SPC district. This would create additional opportunities beyond those required by SB2. Text may be updated following that meeting in the event the Council accepts that recommendation.]*

**Edit Page 5-19, third paragraph under "Design Review" as follows:**

The Design Review process is facilitated by the availability of design guidelines. In 2009, the City adopted Residential Design Guidelines which serve as the standard by which staff and the Commission evaluate residential development. This is particularly important when evaluating whether a project is "visually and functionally harmonious" with its surroundings. The Guidelines include photographs of Albany residences illustrating each principle, providing an objective standard to evaluate projects. Photographs illustrate methods for reducing the perceived mass and bulk of structures, creating more attractive porches and garages, enhancing the front yard space, and integrating additions and second stories so they do not appear to be "tacked on" to the original structure. Specific direction is also provided for dormers and bay windows, exterior materials, and landscaping. Staff uses a consistent methodology to cite the consistency of projects with the Guidelines, which further facilitates objective review of projects by the Planning and Zoning Commission.

Staff works closely with applicants and their architects or contractors to ensure that designs conform to the Guidelines. The San Pablo Avenue Design Guidelines were adopted in 1993. They strive to enhance San Pablo Avenue as a great retail street, oriented toward pedestrians and ground level activity. The Guidelines strongly support the concept of mixed use development with housing on the upper floors. They address such topics as the building silhouette, massing and height, façade rhythm and composition, signage, lighting, color, and site design. Illustrations are included to demonstrate massing, organization, and design principles. This provides an objective standard for the Planning and Zoning Commission as they evaluate projects on the corridor.

**Page 5-27, add the following paragraph and table to the end of the discussion of permitting fees:**

The City's multi-family housing fees generally parallel those for single family homes, but the smaller unit sizes and economies of scale associated with multi-family construction tend to result in a lower cost per housing unit. Table 5-7 indicates the actual costs for two multi-family projects completed during the last planning period: Portland Gardens and Villa de Albany. Since the projects were completed several years ago, the bottom row of the table includes an adjustment to 2013 dollars based on the consumer price index (CPI). The City's fees are

generally adjusted to reflect CPI changes, so the revised figure provides an estimate of the fees these projects would pay today.

The table indicates fees of approximately \$7,500 per housing unit in both instances. In each case, the school impact fee represents about one-third of the total permit cost, while the sewer connection fee and capital facilities fee together represent about another one-third.

**Table 5-7: Typical Multi-Family Permitting Fees in Albany**

	<u>Villa de Albany (2006)</u>	<u>Portland Gardens (2001)</u>
<u>Number of Residential Units in Representative Projects</u>	<u>25</u>	<u>12</u>
<u>Project Value, as stated on permit application</u>	<u>\$3,844,000</u>	<u>\$1,855,490</u>
<u>Plan Checking Fees (including fire)</u>	<u>\$7,853</u>	<u>\$1,412</u>
<u>Building Permit Fees</u>		
<u>Construction</u>	<u>\$19,248</u>	<u>\$10,090</u>
<u>Plumbing, Electrical, Mechanical</u>	<u>\$5,549</u>	<u>\$2,546</u>
<u>Energy Calculation</u>	<u>\$3,070</u>	<u>\$1,516</u>
<u>Permit Fee Surcharges (7%)</u>	<u>\$1,347</u>	<u>\$706</u>
<u>Strong Motion Instrument Program (SMIP) Seismic Fee</u>	<u>\$332</u>	<u>\$213</u>
<u>Public Work</u>		
<u>Encroachment Fee</u>	<u>\$8,156</u>	<u>NA</u>
<u>Storm Drain Impact Fee</u>	<u>\$993</u>	<u>\$930</u>
<u>Other Fees</u>		
<u>Sewer Connection</u>	<u>\$28,050</u>	<u>\$12,000</u>
<u>Capital Facilities</u>	<u>\$26,775</u>	<u>\$11,651</u>
<u>School Fee</u>	<u>\$57,814</u>	<u>\$26,618</u>
<u>Administrative Fee/Other Fees</u>	<u>\$1,788</u>	<u>\$835</u>
<u>Miscellaneous Fees</u>		
<u>Grading Permit</u>	<u>\$2,136</u>	<u>NA</u>
<b><u>Total Permit Fees Collected</u></b>	<b><u>\$163,111</u></b>	<b><u>\$68,517</u></b>
<u>Average Fee Per Unit</u>	<u>\$6,524</u>	<u>\$5,709</u>
<u>Adjusted Fee Per Unit in 2013 dollars (based on CPI)</u>	<u>\$7,542</u>	<u>\$7,517</u>

Source: City of Albany, 2013.

Note: Fees for the commercial portion of the projects is included on some rows (e.g., building permit fees) so actual average fee per unit amounts (bottom two rows) may be somewhat lower.



CHAPTER 6 edits

Bottom of Page 6-1, edit as follows:

RESPONDS TO PUBLIC COMMENT

Three types of statements are included in this chapter. The **goals** (paraphrased in the bulleted list above) express broad, long-term statements for desired outcomes. Each goal is followed by multiple policies. The **policies** are intended to guide day to day decisions by the City Council, the Planning and Zoning Commission, Staff, and other City representatives. They are general statements that describe the City’s position on specific housing issues related to each goal. Some of the policies require specific **programs** to ensure their effective implementation. Other policies are implemented through standard operating procedures, or are used to guide day to day decisions. They do not require specific Housing Element actions. The link between policies and programs is annotated in the Housing Element by listing the specific policy or policies carried out by each program.

SEE HCD COMMENT B(1)(a)

P. 6-7, edit Program 2.A as follows:

**Program 2.A: Minimum Densities.** Include new land use categories in the Draft Albany General Plan which would establish minimum densities of 20 units per acre for any mixed use or residential development along the San Pablo and Solano Avenue corridors. Following adoption of the General Plan, amend the zoning regulations as necessary to ensure internal consistency. Consider amending the Zoning Ordinance to establish a minimum density requirement of 20 units per acre for any mixed use development along the San Pablo and Solano corridors.

Description:  
*This change will ensure that the City’s key housing opportunity sites are developed with multi-family (mixed use) units and will make it more likely that such units are affordable than if the sites were developed with single family homes. The Planning and Zoning Commission has already endorsed this in concept. It will be included in the new Albany Draft General Plan.*

Responsible Parties: City Planner  
Timing: Fall 2014Underway (General Plan Update)  
Funding: General Fund (staff time)

SEE HCD COMMENT B(1)(b)

P. 6-8, edit Program 2.B as follows:

**Program 2.B: Incentives.** Provide incentives such as technical assistance with public improvements and priority in permit processing to encourage the development of very low, low, and moderate income housing.

Description:  
*This program would evaluate potential incentives such as reduced fees, expedited processing, and technical assistance, and implement those incentives deemed most*

feasible. Incentives will continue to be explored and implemented as part of the 2015-2022 Housing Element update.

Responsible Parties: Community Development Director  
Timing: ~~Spring 2014~~ Adopt feasible incentives by Dec, 2014  
Funding: General Fund, Permit Fees (staff time)

**P. 6-9, edit Program 2.E as follows:**

**Program 2.E: Public Information Campaign.** Develop a Housing Opportunities Public Information Campaign to disseminate information to Albany residents and business and commercial property owners about housing programs, and the need for affordable housing, special needs housing, and emergency shelter. Typical campaign actions would include publication and distribution of flyers, workshops and town meetings, and information on the City's website and Albany Newsletter, among other ideas.

Description:

*The following types of housing needs and programs should be incorporated into the Public Information Campaign, in addition to others identified as appropriate by the Community Development Director: (1) Encourage development of rental units in the commercial district through communication with commercial property owners; (2) Provide information about development of new second units; (3) Increase public awareness about County HCD Housing Preservation Programs and PG&E weatherization programs; (4) provide information on resources for persons who are homeless or at risk of becoming homeless; (5) increase community education on the need for affordable housing, the benefits it provides, and examples of successful affordable housing projects in the area.*

*A special focus should be included on web-based information for those interested in adding a second unit. The Planning Division's website currently includes links for residents interested in starting a home business, understanding design review requirements, paying permitting fees, completing a planning application, and similar activities. It does not have a dedicated link with information on how to develop a second unit, or the standards and requirements for second units. As funding allows, a page on the City's website should be developed for this purpose. Such a page could also include information on "model" second units in the city, and provide guidance on siting and design.*

*The public education efforts should also seek to improve community understanding of homelessness and the need for emergency shelter. The community dialogue on this topic, including ideas for more effective solutions and programs, should be continued.*

Responsible Parties: Community Development Director  
Timing: Ongoing  
Funding: General Fund (staff time)

RESPONDS TO PUBLIC COMMENT



P. 6-9, edit Program 2.h as follows:

**Program 2.H: Land Assembly and Lot Consolidation.** Continue to w~~Work~~ with interested property owners to encourage the assembly of underutilized parcels and their consolidation into single parcels in order to create larger, more marketable potential housing sites, especially along the San Pablo Avenue corridor.

Description:

The City has adopted lot consolidation policies which allow higher densities on larger lots. This is the most effective means to encourage lot consolidation in Albany, and has helped make lot consolidation a feature of most recent multi-family development projects in the City. Both the Villa de Albany and Albany Gardens projects involved the private sector aggregating multiple lots, with the City providing technical assistance and supporting the application.

Several of the City's housing sites consist of relatively small adjoining parcels. Formalizing lot consolidation procedures and reducing the fees associated with mergers for affordable housing developments on these sites may create an incentive for future applications. The City will implement lot consolidation procedures which facilitate the creation of larger sites that are more suitable for affordable housing and other multi-family development projects. Components of this program may include waivers of the lot merger fee for projects which include affordable housing units, expedited processing for lot merger applications, notification of adjacent commercial property owners in the event a site becomes available for sale, and the City's existing provisions which enable higher densities on larger (e.g., consolidated) lots. The lot consolidation procedures will be formalized through a memorandum and brought to the Planning and Zoning Commission and City Council for further discussion.

~~work with interested property owners to encourage the aggregation of these parcels into larger sites that may be more viable for mixed use development (with housing above ground floor commercial use).~~ The focus will be on the properties identified as "Housing Opportunity Sites" in this Element, and on other sites where property owners inquire about the feasibility of future development.

Responsible Parties: Community Development Director  
Timing: Ongoing Fall 2014  
Funding: General Fund (staff time), private

P. 6-12: Add new Program 2.K

**Program 2.K: Affordable Housing Fund.** Create a City of Albany Affordable Housing Fund which becomes a repository for funds that may be used to help support affordable housing development in the City.

Description:

Before the end of the current planning period, the City will establish an Affordable Housing Fund. Potential sources of revenue for this fund would include the residual

SEE HCD COMMENT B(1)(c)

RESPONDS TO PUBLIC  
COMMENT

*redevelopment funds returned to the City (e.g., “boomerang” funds, see Program 3.J), in-lieu fees collected from the City’s inclusionary zoning program, grants, and other sources. A priority would be placed on using these funds in a manner which benefits extremely low and very low income households.*

Responsible Parties: Community Development Director

Timing: January 2015

Funding: “Boomerang” Funds, In-Lieu Fees

## P. 6-12: Add new Program 2.L

**Program 2.L:** **No Net Loss of Housing Capacity.** Monitor development activity on the Housing Opportunity Sites to ensure that the City maintains sufficient land to accommodate the Regional Housing Needs Allocation (RHNA) during the planning period. In the event a housing site listed in Chapter 4 is redeveloped with a non-residential use or at a lower density than shown in Chapter 4, ensure that the City has adequate capacity to meet the RHNA by making the findings required by Government Code Section 65863 and identifying alternative site(s) within the City if needed.

Description:

*Because many of the City’s Housing Opportunity Sites are zoned in a manner which allows commercial uses as well as residential uses, the City will monitor development activity to ensure that its housing objectives can be met on the sites listed in Chapter 4. Should approval of development on these sites result in a reduction of capacity below the amount needed to accommodate the RHNA, the City will identify alternative sites zoned at densities of at least 20 units per acre to accommodate the shortfall. This should not require rezoning, since the City presently has excess capacity, but it would require the identification of other underutilized sites where multi-family/mixed use housing is a viable use based on the criteria outlined in the Housing Element.*

Responsible Parties: City Planner

Timing: Initiate Upon Adoption of Element

Funding: Staff time (General Fund)

## P. 6-14: Edit Program 3.A as follows:

**Program 3.A:** **Units for Persons with Disabilities.** Encourage the inclusion of units for persons with disabilities within new development, and require the inclusion of such units when necessary to meet state and federal requirements.

Description:

*Disability data from the 2010 Census is not available for Albany. However, as of the 2000 Census, 13.3 percent of the city’s residents over age 5 had a disability and 6.2 percent of the city’s adults had a mobility impairment which affected their ability to travel outside the home. According to the Census, approximately 800 residents had a physical disability and 381 had a sensory disability. The City will continue to work*

to meet the needs of residents with disabilities, both by permitting and facilitating home retrofits and by encouraging the inclusion of units for disabled residents in new development. In addition, the City will continue to support the programs associated with the California State Orientation Center for the Blind, which is located in Albany.

This program will primarily be implemented through enforcement of Americans with Disabilities Act (ADA) and California Building Code requirements. ADA requires that projects receiving federal funds set aside 5 percent of the units or at least one unit, whichever is greater, for persons with disabilities. There are also requirements to set aside 2 percent of the units for residents with sight or hearing impairments. Additional accessibility requirements apply for private multi-family units. In addition to these requirements, the City will continue to use its CDBG funds for accessibility improvements – as it has in the past – and it will continue to assist those seeking to “age in place” with funding requests through the County’s Minor Rehab Program.

Responsible Parties:	City Planner/Community Development Director
Timing:	Ongoing
Funding:	General Fund (staff time)

#### P. 6-14: Edit Program 3.C as follows:

**Program 3.C:**     **Shared Housing.** Continue to allow the renting of rooms in private homes to provide affordable housing opportunities for students, seniors, and other extremely low income households.

Description:

Shared housing is defined as an arrangement in which two or more unrelated people share a house or an apartment. It may occur naturally when a group of individuals decide to pool their resources or an individual decides to rent rooms in their home, or it may occur through the guidance of an agency. The City currently permits the renting of up to four rooms in a single family home. It does not limit the number of people that may occupy a house or apartment.

Shared housing is one of the most affordable types of housing in Albany and is an important resource for students, seniors, and extremely low income households. It can also provide a source of income for lower income homeowners, including seniors on fixed incomes. The City will continue to allow and encourage shared housing in the future.

Responsible Parties:	City Planner
Timing:	Ongoing
Funding:	General Fund (staff time)

**P. 6-22, Edit Programs 4.A and 4.B as follows:**

**Program 4.A:**     **Use Permit Requirements for Multi-Family in R-4.** ~~Consider eliminating~~ the use permit requirement for multi-family development in the R-4 (Residential Towers) zoning district. Multi-family uses should be allowed by right in this district.

Description:

*Multi-family housing is permitted by right in the R-2 and the R-3 zones but not in R-4. Since R-4 is the densest residential zone in the city and is explicitly intended for multi-family housing, it would be logical to apply the same permitting standard.*

Responsible Parties:     City Planner

Timing:     ~~Fall 2014~~ Bring to Planning and Zoning Commission by December 2014

Funding:     General Fund (staff time)

**Program 4.B:**     **Second Units.** ~~Consider an amendment to~~ Amend the City's second unit regulations to further facilitate second unit construction. The amendments may be brought forward as a series of separate actions rather than as a single action. The initial action should clarify the parking requirements in for second units and permit them by right in the R-2 zoning district. A subsequent action or actions would revisit the development standards and site regulations for second units. so that: (a) detached second units are no longer subject to a 12 foot height limit, (b) parking requirements are clarified; and (c) second units are permitted by right in the R-2 and R-3 zones, provided they meet the same standards prescribed for by right units in the R-1 zone.

Description:

*As noted in the "Constraints" chapter of the Housing Element, ~~detached second units are treated by zoning as accessory structures and are subject to a height limit of 12 feet. The City will consider modifying its zoning regulations so that second units are no longer subject to a 12 foot height limit. In addition, the City will clarify parking limits for second units.~~ Second units are not listed as a permitted use in the R-2 zone and R-3. Presumably, this is because this these zones already permits two-unit buildings. However, the approval process for a two-unit building is more complex than that for a second unit, and the standards are different since the units are usually approximately equal in size. This action would also amend the code to allow second units in R-2 ~~and R-3~~, making it easier for those who own single family homes in these zones to add a second unit. A use permit would not be required. This action would also clarify the parking requirements for second units, eliminating any confusion as to the relationship between these standards and the requirements established by State law.*

Other revisions to the second unit standards also will be pursued. This may include amendments to the site development standards (height limits, setbacks, location on property, etc.).

Responsible Parties: City Planner  
Timing: ~~Fall 2014 (to initiate)~~ To be initiated by Fall 2014  
Funding: General Fund (staff time)

**P. 6-22, Edit Program 4.D as follows:**

**Program 4.D:** **Evaluation of Mixed Use Standards.** Consider ~~potential~~ modifications to the development standards for mixed use development (e.g., residential over ~~commercial retail~~) and revise these standards as appropriate to determine if there are ways to further incentivize the development of housing on commercially zoned sites.

*Description:*

*Development standards for commercially zoned land in Albany allow substantially more floor area for projects that include residential uses than those that do not. While the floor area bonus is an important incentive for housing, it might be more effective if it was paired with other modifications to development standards. This action would include an evaluation of potential changes to setback requirements, height limits, and other standards affecting bulk and density. This action will also include provisions to waive, reduce, or otherwise modify the ground floor commercial requirement for projects on San Pablo Avenue which include affordable units.*

*This program will be implemented through the City's General Plan Update and will continue to take shape during the coming year. Zoning amendments to change the mixed use standards are not likely to occur until the 2015-2022 planning period, as part of a broader set of amendments for General Plan consistency. As an interim measure, the City will consider reductions (or waivers) of the ground floor commercial requirement as a concession under the State density bonus law for projects which include affordable units.*

Responsible Parties: City Planner  
Timing: ~~Fall 2014~~ Initiate by Fall 2014  
Funding: General Fund (staff time)

**P. 6-25, Edit Program 4.G as follows:**

**Program 4.G:** **Measure D Ballot Initiative.** ~~As part of the current effort to update the Albany General Plan, initiate preparation of Pursue~~ a ballot measure to revise the two space per unit residential parking ~~standard requirement~~ required by Measure D (1978). This revision would recommend more proportional ways to calculate parking requirements (e.g., based upon unit size, number of bedrooms, unit type, and the population served, with special exemptions for senior housing, proximity to transit, or available land for parking in the immediate neighborhood).

SEE HCD COMMENT B(1)(e)

SEE HCD COMMENT B(3)(b)

Description:

As noted in the Constraints chapter of this Element, Measure D was approved by Albany voters 35 years ago in response to concerns about on-street parking. The voter initiative may no longer reflect the best solution to managing parking on City streets, and may make it more difficult and costly to construct housing.

A program to amend Measure D through a subsequent ballot initiative has been in the Albany Housing Element since 1992. Following discussion of this issue in the context of the 2007-2014 Housing Element update (as well as implementation of the City's Climate Action Plan and Active Transportation Plan), the City Council established an ad hoc committee to evaluate alternatives to the voter-mandated requirements in November 2013. The committee had its first meeting in December 2013. They have been tasked with evaluating pros and cons of modified parking standards and making a recommendation by May 2014. It is expected that the committee will recommend a ballot measure for the 2014 or 2016 election.

In the interim period, the City will take steps to ensure that the parking requirements do not constrain affordable housing development at the high end of the allowable density range. The Planning and Zoning Commission is already authorized to approve parking exceptions, and may reduce the parking requirement to 1.5 spaces per unit where it finds that sufficient on-street parking exists. The Community Development Department will further inform prospective developers of the opportunity to use the parking standards for one bedroom units and studios authorized by the State density bonus standards in lieu of the City's standards for projects which contain affordable housing. The State standards provide a strong incentive for the inclusion of affordable one-bedroom and studio units in future multi-family development. The current effort to update the City's General Plan provides an opportunity to move the program forward. While the ballot measure itself might not occur until the next (2015-2022) planning period, the process of studying alternatives, impacts and best practices will begin during the current planning period.

Amendments to Measure D should ensure that resident concerns about parking impacts are still addressed. However, more nuanced solutions should be developed to account for the different demand characteristics of different housing types as well as parking conditions on local streets.

Responsible Parties:	City Manager, Planning Division, Public Works
Timing:	Spring 2014 (to initiate)
Funding:	General Fund (staff time)

**P. 6-25, Edit Program 4.H as follows:**

**Program 4.H:** **Fee Incentives for Affordable Housing.** ~~Consider Establish~~ reduced fees and expedited processing procedures for affordable housing. The City will establish a fee reduction request form, along with criteria for allowing fee reductions, including the production of housing for extremely low, very low, low income persons.



Description:

The City will establish a formal process for expedited review and fee reductions for projects which include housing for low, very low, and extremely low income households. Reductions would be evaluated on a case by case basis, depending on the attributes of each project. continue to explore possible incentives to reduce fees and expedite permit processing for affordable housing, including Among the fees that could potentially be reduced would be reduction of the public art fee, planning and building fees, and other local or agency fees. Reductions are evaluated on a case by case basis, depending on the attributes of each project.

Responsible Parties: Finance Department, Planning Division, City Manager  
 Timing: Spring 2014 Establish conditions for fee reductions and expedited processing by Fall 2014  
 Funding: General Fund (staff time)

**P. 6-25, Add new Program 4.J as follows:**

**Program 4.J: General Plan Consistency.** Ensure that future amendments to the General Plan consider potential impacts on the Housing Element, particularly the viability of development on the Housing Opportunity Sites. Conversely, ensure that any future amendments to the Housing Element include amendments to other elements of the Plan as necessary to maintain internal consistency.

Description:

The California Government Code requires all elements of the general plan to be internally consistent. If any part of the General Plan is amended, the Housing Element must be reviewed to ensure that the consistency standard is met. This includes decisions which could affect housing opportunity sites, as well as those affecting housing policies and programs. Conversely, amendments to the Housing Element must be reviewed in the context of the other Elements, with changes to the other Elements made as needed to maintain consistency. Future changes to the Housing Element should trigger a review of the entire General Plan, especially the Land Use Element, to ensure that internal consistency is maintained.

Albany is currently undergoing a General Plan Update. Because the Housing Element is being adopted in advance of the other elements, it provides a benchmark for evaluating potential changes to land use, transportation, and open space policies. In drafting the other Plan elements, the City will preserve that the housing opportunities identified in this Element. Policies in the other elements should support the City's housing goals and advance the objective of increasing the number of affordable housing units. In the event that conflicts emerge, the City will resolve them in a way that does not diminish the City's housing capacity.

Responsible Parties: Community Development Director  
Timing: Ongoing  
Funding: General Fund (staff time)

