

City of Albany



TO: ALBANY PLANNING & ZONING COMMISSION
FROM: BARRY MILLER, CONSULTANT
SUBJECT: ALBANY HOUSING ELEMENT
DATE: FEBRUARY 12, 2014

PROJECT: 2007-2014 Housing Element	Date of Notice Posted/ Published in Contra Costa Times: Jan 31, 2014/February 2, 2014 Date of Public Hearing: Feb 12, 2014
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REQUEST

The Planning and Zoning Commission will conduct a public hearing to consider the Draft 2007-2014 Albany Housing Element and accompanying environmental review document, and is requested to make a recommendation on the Element and environmental review document to the Albany City Council. Two resolutions are included for Commission consideration.

STAFF RECOMMENDATION

Staff recommends that the Planning & Zoning Commission approve the two resolutions and forward the Housing Element and Initial Study/Mitigated Negative Declaration (IS/MND) to the City Council for adoption. This item is tentatively scheduled for City Council action on March 3, 2014.

BACKGROUND

The Housing Element is one of the seven mandated elements of the Albany General Plan. It includes goals, policies, and action programs to conserve existing housing, produce new housing, provide housing for persons with special needs, and ensure equal access to housing by all residents. The contents of the Element are set by State law, and include a Needs Assessment, a Sites Inventory, an evaluation of Housing Constraints, and an Evaluation of Progress on implementing the previous Element. The Housing Element is the only part of the General Plan subject to review and certification by a state agency. Cities and counties must periodically submit their Elements to the

State Department of Housing and Community Development for a compliance determination.

The Draft Housing Element updates the 1992 Albany Housing Element. In accordance with State law, the planning period for the current Element is 2007-2014. Since much of this period has passed, the Element focuses on specific actions to be initiated or completed in the next year, along with longer-range policies that may be carried forward to the next Housing Element. An update of the 2014 document will be prepared later this year to extend the planning period to the end of 2022. Additional policies and programs may be added through that process.

The process of updating the Albany Housing Element was initiated in 2008. The Planning & Zoning Commission and the City Council each held study sessions in 2008 and 2009. A community workshop also took place at that time. A partial draft of the document—not including policies and actions—was completed and submitted to the State Department of Housing and Community Development (HCD) in July 2009. HCD provided technical assistance comments to the City in October 2009. Revisions to the Element (including completion of policies and actions) were delayed in 2010-2012 due to staff reductions.

2013- Present

The City Council approved a contract for General Plan consulting services on February 3, 2013. The Housing Element for both the 2007—2014 and 2015--2022 planning periods were specified in the approved work scope. The Albany General Plan Update commenced in early 2013. The Housing Element update was initiated at May 22, 2013 Planning & Zoning Commission hearing and subsequent edits were made to the 2009 Draft to reflect the State's earlier comments. Planning & Zoning Commission Study Sessions were held on:

- **May 22, 2013**-review of Housing Element presentation of requirements and review process
- **September 25, 2013**-Review of draft Chapters 1-3, and 6
- **October 9, 2013**-review of draft Chapter 4 Housing Opportunity Sites
- **October 15, 2013**-review of Chapter 5 Constraints Analysis and full draft of the Housing Element with a recommendation to City Council to send to HCD
- **January 22, 2014**-review of HCD comment letter dated December 26, 2013 and draft revisions

A Town Hall meeting to discuss the Housing Element was held on October 1, 2013 at City Hall. On October 15, 2013, the Commission forwarded the draft document to the City Council, who subsequently authorized its resubmittal to HCD on October 21, 2013.

On December 26, 2013, the City received comments from the State on the October 2013 Draft. The Planning & Zoning Commission considered these comments and staff's proposed revisions at its January 22, 2014 meeting. A series of redlined/strikeout edits were presented to the Commission and public comments were received. The edits were submitted to State HCD on January 23, 2014. On January 31, 2014, the City released a revised complete Housing Element which incorporated the edits.

Staff believes that the proposed revisions effectively respond to HCD's findings. However, it is probable that minor changes to the document may be recommended between the Commission's action on February 12 and Council action on March 3, 2014, depending on feedback from State reviewers.

As the Commission is aware, the City is also in the process of responding to a lawsuit on the status of its Housing Element filed in October 2013. A number of additional edits to the document are anticipated to be made through the settlement process prior to Council action on March 3, 2014.

Because adoption of a new Housing Element is an amendment to the Albany General Plan, it is considered a "project" under the California Environmental Quality Act. An Initial Study and Draft Mitigated Negative Declaration (IS/MND) were prepared and filed on January 31, 2014. The IS/MND review period will run from February 2, 2014 through February 21, 2014. The Commission's hearing on February 12 provides an opportunity for Commission and public comment on the IS/MND, but there will still be time to comment on the document after the hearing. The Council is expected to take final action on the IS/MND on March 3, 2014.

ANALYSIS

Content of the Housing Element

The Housing Element is organized into six chapters, summarized below.

- The first chapter (Introduction and Framework) describes the requirements for the Housing Element and the process used to develop the document.
- The second chapter (Review of Previous Housing Element) corresponds to a state requirement to evaluate the effectiveness of the previous Housing Element and identify the steps needed to address any deficiencies. This chapter includes a series of tables that describe the progress that has been made in carrying out the 1992 Element.
- The third chapter (Assessment of Housing Needs) includes an analysis of demographics, income, affordability, employment, special housing needs, housing stock characteristics, and energy conservation. This information is used to assess current and anticipated housing needs in the City.
- The fourth chapter (Site Inventory and Analysis) describes the inventory of sites in Albany that could potentially support new housing during the planning period. It

also includes an assessment of the potential for second units in the city. This chapter demonstrates the City's ability to accommodate Albany's "fair share" of the region's housing needs for 2007-2014, which is defined by ABAG as being 276 units.

- The fifth chapter (Analysis of Constraints to Housing Production) identifies possible governmental and non-governmental constraints to housing development in the city. Among the governmental constraints analyzed are the zoning ordinance, standards for special housing types, design review requirements, building code and permit processing requirements, local fees, and site improvement requirements. The non-governmental constraints that are analyzed include infrastructure, environmental hazards, land and construction costs, financing, and public opinion.
- The sixth chapter (Housing Goals, Policies, and Actions) presents the City's official housing policies along with a series of measurable targets for 2007-2014. Policies and actions are organized under five broad goals which generally address: (a) conservation of existing housing; (b) production of new housing; (c) special needs housing; (d) reducing housing constraints; and (d) equal access and enforcement of fair housing laws.

Next Steps

A resolution recommending Council adoption of the Housing Element is attached to this staff report. As noted above, the Commission's recommendation will be forwarded to the City Council, which is scheduled to consider the Housing Element on March 3, 2014. The Council will also consider the IS/MND at that time. If the Council adopts the Element, it will be forwarded to HCD for certification. HCD has 90 days to issue their compliance letter. Staff will continue work on other Elements of the Albany General Plan during this time, and will also initiate work on the 2015-2022 Housing Element.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for the Housing Element. Because the Element proposes no zoning map changes, and focuses on land uses and development intensities that are already permitted under existing zoning regulations, the effects of the Element on the environment are minimal. Impacts are associated with the secondary consequences of encouraging and further incentivizing mixed use development or residential uses on sites where commercial zoning is in place. The Initial Study identifies a number of measures to mitigate potential impacts associated with future construction on mixed use sites, mostly related to air quality. A Resolution on the IS/MND is included as an attachment to this staff report.

Attachments:

1. Draft Housing Element January 31, 2014
2. Initial Study/Mitigated Negative Declaration
3. Resolution 2014-01 on Initial Study/ Mitigated Negative Declaration
4. Resolution 2014-02 on Housing Element for the 2007-2014 Planning Period