



Agenda Date: 4-28-09

Agenda Item: 4a

Approved:

  
Gary A. Napper  
City Manager/Executive Director

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS  
CHAIRPERSON AND PLANNING COMMISSION MEMBERS**

**FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR** *DW*

**DATE: APRIL 28, 2009**

**SUBJECT: CITY OF CLAYTON HOUSING ELEMENT UPDATE JOINT SPECIAL  
MEETING OF THE CITY COUNCIL AND THE PLANNING COMMISSION**

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## **RECOMMENDATION**

1. Receive Staff Report and Presentation from Pacific Municipal Consultants (PMC) Pertaining to Housing Element Update Process, Policies, Programs, and Issues; and
2. Provide General Instructions to Staff and PMC Pertaining to the Presented Process, Policies, Programs, and Issues Related to Preparing the City's Housing Element Update in accordance with State law.

## **BACKGROUND**

At the March 17, 2009 meeting of the Clayton City Council, the Council authorized the City Manager to enter into a Professional Services Agreement with PMC to update the City's Housing Element. This direction of the City Council was based on a competitive process in which four proposals for offering services to update the City's existing Housing Element were received and evaluated. The PMC proposal was selected as the proposal to proceed with.

Since the March 17<sup>th</sup> Council meeting, staff has been providing data, information and pertinent documents to Jennifer Gastelum, the Project Manager assigned by PMC to oversee and complete the City's Housing Element Update project. The basic scope of this project is to prepare and process an update of the Clayton Housing Element as well as prepare and process the related California Environmental Quality Act environmental documentation as required by State law. This updated Housing Element will set forth the housing strategy for the City to address the existing and future housing needs allocated to the community for the period of 2009-2014 in accordance with applicable statutory requirements. The City's regional housing needs allocation (RHNA), adopted in August of 2007 by the Association of Bay Area Governments (ABAG), establishes a housing

production goal for this period (2009-2014) of 151 units with the following income distribution:

- 16 percent Extremely Low Income: 24 units
- 16 percent Very Low Income: 25 units
- 23 percent Low Income: 35 units
- 22 percent Moderate Income: 33 units
- 23 percent Above Moderate Income: 34 units
- Total: 100 percent/151 units

The existing Housing Element was updated and adopted by the City of Clayton and certified by the State of California Department of Housing and Community Development (HCD) in 2005.

The Housing Element is one of the seven required elements of a State-mandated General Plan. According to State law, each city and county must prepare and periodically update a General Plan which is a community's guide for its physical growth over time. Typically, the planning period of a General Plan is twenty (20) years. Each jurisdiction is required by the State to more frequently update its Housing Element. Housing Elements must be updated approximately every five to seven years. Specific schedules and deadlines for these updates are established by HCD. The City is to submit its updated Housing Element to HCD by the end of June 2009.

The Housing Element is a community's primary policy document for guiding the development, rehabilitation, and preservation of housing for all economic segments of a jurisdiction's population. This document contains the identification and analysis of the existing and projected housing needs of the community. The Housing Element also includes the goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing to meet the range of housing needs identified for the community. The City's housing needs for the next period (2009-2014) is 151 residential units, as described above. State housing law requires that the Clayton Housing Element Update for this period includes site-specific data demonstrating that there is adequate land available to meet the housing needs as determined by ABAG.

## **DISCUSSION**

The purpose of this joint special meeting is to achieve the following:

- Introduce and receive the presentation from Housing Element Update Project Manager, Jennifer Gastelum, from PMC;
- Review the City's existing 2005 approved/certified Housing Element and the accomplishments of that effort;
- Review new State law requirements since the 2005 Housing Element Update was certified as well as the ABAG regional housing needs allocation (RHNA) for Clayton for the 2009-2014 period;

- Review mandated as well as alternative programs that the City must/could consider including in this current Housing Element Update effort for the purpose of satisfying State requirements and proposing an overall program that feasibly could result in achieving the ABAG assigned housing numbers, with the objective to receive certification from the HCD of the City's recommended Housing Element Update; and,
- Receive comments on the programs and information presented by PMC that can be considered/used for the draft Housing Element Update that is prepared over the next thirty days for subsequent formal consideration.

It should be noted that the intent of the Housing Element requirement is to assure that local jurisdictions develop and implement goals, policies, programs, and measures that facilitate the construction of housing to meet the needs of all economic segments of their respective communities. Furthermore, it is expected that the local jurisdictions make a good faith effort to achieve the stated goals, policies, programs, and measures. It is not the intent of the Housing Element requirement that local governments directly construct the housing units targeted to meet local needs.

Additionally, it should be noted that local jurisdictions have other, separate, tools to develop affordable housing. An example of such a separate tool is a Redevelopment Agency. With the establishment of a Redevelopment Agency, funds are set aside specifically for the construction and preservation of affordable housing, with the Redevelopment Agency having more direct involvement and responsibility in the development of affordable housing. The City of Clayton, like many local jurisdictions, has a Redevelopment Agency.

In conclusion, during the Consultant's presentation, a number of State-mandated programs will be described that the City of Clayton will need to address. And, the Consultant will be seeking some direct feedback on such questions as follows:

1. What segments of the Clayton population do you feel have the greatest needs that are not currently being met?
  - a. Single-Parent Households.
  - b. Elderly.
  - c. Disabled.
  - d. Homeless.
2. Which programs that were NOT implemented in the last Housing Element should be continued, modified, or deleted?
  - a. Adopt an Affordable Housing Ordinance (e.g., Inclusionary Housing Ordinance).
  - b. Revise the Zoning Ordinance to allow for flexible development standards (e.g., parking, landscaping, setbacks) and authorize regulatory concessions for affordable housing projects.

- c. Develop and implement a down payment assistance program using Redevelopment Agency housing set-aside funds. (In return for 45-year Resale-Restriction Covenants)
3. What new housing programs should the City consider implementing to meet the City's housing needs?
  - a. Green Building Standards.
  - b. Universal Design Ordinance (Facilitates Addressing Accessibility Needs of Persons with Disabilities).
  - c. Other Suggestions.

Attached is a copy of the PowerPoint presentation that will be given by PMC at the meeting on April 28, 2009. In addition, staff has attached copies of the "Housing Element Review Worksheet" and the "Housing Conditions Survey" that the Consultant will be using during the process of preparing the update to the City's existing Housing Element.

Attachments:

1. PowerPoint Presentation for the April 28, 2009 Joint Special Meeting
2. "Housing Element Review Worksheet"
3. "Housing Conditions Survey"

**Worksheets to be used by Consultant to Guide  
Preparation of the Housing Element Update  
(Informational Only)**

## HOUSING ELEMENT REVIEW WORKSHEET

Locality \_\_\_\_\_ Draft \_\_\_\_\_ Adopted \_\_\_\_\_ HCD Receipt Date \_\_\_\_\_  
 Contact Person \_\_\_\_\_ Phone # \_\_\_\_\_ Coastal Zone \_\_\_\_\_

Did the jurisdiction use the *Building Blocks*' website? Yes  No

Section numbers refer to the Government Code (Article 10.6).

### I. Public Participation (GC 65588(c))

- |   | Page # |
|---|--------|
| A. Diligent efforts to achieve public participation of all economic segments of the community in the development and adoption of the element. | _____  |
| B. Description of how public input was or will be considered and incorporated in the element.   | _____  |

### II. Review and Revision (GC 65588(a) & (b))

- |   | Page # |
|---|--------|
| A. Evaluation and revision of the previous element:   | _____  |
| 1. "Effectiveness of the element" (Section 65588(a)(2)): A review of the actual results of the previous element's goals, objectives, policies, and programs. The results should be quantified where possible (i.e., number of housing units rehabilitated). | _____  |
| 2. "Progress in implementation" (Section 65588(a)(3)): An analysis of the significant differences between what was planned in the previous element and what was achieved.   | _____  |
| 3. "Appropriateness of goals, objectives and policies" (Section 65588(a)(1)): A description of how the goals, objectives, policies and programs of the updated element incorporate what has been learned from the results of the previous element.          | _____  |
| B. Adequate sites implementation/rezone program (GC Section 65584.09); if needed.   | _____  |

### III. Housing Needs Assessment (GC 65583(a))

	Owner	Renter	Total	Page #
A. <u>Population and Employment Trends</u>				_____
B. <u>Household Characteristics</u>				_____
1. Number of existing households	_____	_____	_____	_____
2. Total households overpaying for housing	_____	_____	_____	_____
3. Lower income households overpaying	_____	_____	_____	_____
4. Total number of existing extremely low-income households	_____	_____	_____	_____
5. Total number of projected extremely low-income households			_____	_____

	Owner	Renter	Total	Page #
C. <u>Housing Stock Characteristics</u>				
1. Housing conditions: number of units needing rehabilitation/replacement			_____	_____
2. Overcrowded households	_____	_____	_____	_____
3. Housing costs (for sale and rental)	_____	_____	_____	_____
4. Housing units by type			_____	_____
5. Vacancy rates	_____	_____		_____

	Owner	Renter	Total	Page #
D. <u>Special Housing Needs Analyses</u>				
1. Persons with disabilities			_____	_____
2. Elderly	_____	_____	_____	_____
3. Large households				
4. Farmworkers (seasonal and permanent)	_____	_____	_____	_____
5. Female headed households			_____	_____
6. Homeless			_____	_____
7. Other _____			_____	_____
	_____	_____	_____	_____

E. Analysis of opportunities for energy conservation in residential development [provide incentives to encourage green building practices, promote higher density, compact infill development and passive solar design]. Page # \_\_\_\_\_

F. Analysis of existing assisted housing projects at-risk of converting to non-low income uses. Page # \_\_\_\_\_

1. Inventory of at-risk units
2. Assessment of risk
3. Estimate of replacement vs. preservation costs
4. Identify qualified entities
5. Identify potential funding

- G. Projected housing need, including the locality's share of the regional housing needs as determined by the COG or HCD.

Income Category	New Construction Needs
Very low- (0-50% of area of median-income)	
Other lower- (51-80% of area median income)	
Moderate- (81-120% of area median income)	
Above-moderate (over 120% of area median income)	
<b>TOTAL UNITS</b>	

**IV. Sites Inventory and Analysis and Zoning for a Variety of Housing Types (GC Sections 65583(a)(3), 65583(c)(1) and 65583.2)**

Page # \_\_\_\_\_

A. Sites Inventory (GC 65583.2(a) and (b))

1. Listing of properties by parcel number or unique reference (GC 65583.2(b)(1)) \_\_\_\_\_
2. Listing of properties by size (GC 65583.2(b)(2)) \_\_\_\_\_
3. Listing of properties by general plan designation and zoning (GC 65583.2(b)(2)) \_\_\_\_\_
4. For non-vacant sites, description of existing uses (GC 65583.2(b)(3)) \_\_\_\_\_
5. Map of sites (GC 65583.2(b)(7)) \_\_\_\_\_

B. Sites Inventory Analysis of Suitability and Availability (GC 65583.2)

1. Realistic development capacity calculation accounting for site improvements and land-use controls (GC 65583.2(c)(1&2)) \_\_\_\_\_
2. Analysis of non-vacant and underutilized lands (GC 65583.2(g)) \_\_\_\_\_
3. Identification of zoning appropriate for housing for lower-income households (GC 65583.2(c)(3)) \_\_\_\_\_
4. Environmental constraints (GC 65583.2(b)(4)) \_\_\_\_\_
5. Infrastructure including planned water, sewer, and other dry utilities supply (GC 65583.2(b)(5)) \_\_\_\_\_

C. Zoning for a Variety of Housing Types (GC 65583(c)(1) and 65583.2(c))

- 1. Multifamily rental housing \_\_\_\_\_
- 2. Housing for agricultural employees (permanent and seasonal) \_\_\_\_\_
- 3. Emergency shelters \_\_\_\_\_
- 4. Transitional housing \_\_\_\_\_
- 5. Supportive housing \_\_\_\_\_
- 6. Single-room occupancy \_\_\_\_\_
- 7. Mobilehomes/Factory-built housing \_\_\_\_\_

V. **Constraints on Housing (GC Section 65583(a)(4) and (5))**

A. Governmental Constraints (GC 65583)(a)(4)

- 1. Land-use controls (e.g., zoning-development standards, including parking, height limits; setbacks, lot coverages, minimum unit sizes, growth controls) \_\_\_\_\_
- 2. Codes and enforcement (e.g., any local amendments to UBC, degree or type of enforcement) \_\_\_\_\_
- 3. On/Off-site improvements (e.g., curbing requirements, street widths, circulation improvements) \_\_\_\_\_
- 4. Fees & exactions (permit and impact fees & land dedication or other requirements imposed on developers) \_\_\_\_\_
- 5. Processing and permit procedures (e.g., permit and approval process including discretionary review procedures; description of permitted uses; design review process; planned development, processing times) \_\_\_\_\_
- 6. To housing for persons with disabilities (reasonable accommodation procedure, zoning and land use, building codes) \_\_\_\_\_

B. Nongovernmental Constraints (GC Section 65583(a)(5))

- 1. Availability of financing \_\_\_\_\_
- 2. Price of land \_\_\_\_\_
- 3. Cost of construction \_\_\_\_\_

**VI. Quantified Objectives (GC Section 65583(b)(1))**

Estimate quantified objectives for the number of housing units (by income level) over the time frame of the element:

	Extremely Low	Very Low	Low	Moderate	Above Moderate
Construction					
Rehabilitation					
Conservation/Preservation					
<b>TOTAL</b>					

**VII. Other Topics**

	Page #
Description of means by which consistency will be achieved and maintained with other general plan elements (GC Section 65583(c)(6)(B)).	_____
Construction, demolition and conversion of housing for lower-and moderate-income households in the coastal zone (GC Section 65588(c) and (d)).	_____
C. Priority water and sewer services procedures for developments with units affordable to lower-income households (GC Section 65589.7).	_____

**VII. Housing Programs (GC 65583(c))**

Summarize programs from the element below.

Program Purpose	Program Actions	Agency Responsible	Time Frame	Page No.
<p><i>Provide adequate sites (65583(c)(1)):</i></p> <ol style="list-style-type: none"> <li>1. Programs to provide capacity to accommodate regional need</li> <li>2. Programs to provide sites to accommodate all income levels</li> <li>3. Program for a variety of housing types</li> </ol>				<p>_____</p> <p>_____</p> <p>_____</p>
<p><i>Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households (65583(c)(2)):</i></p> <ol style="list-style-type: none"> <li>1. Utilize federal, State, and local financing and subsidies</li> <li>2. Provide regulatory concessions and incentives</li> <li>3. Describe the amount and uses of monies in the redevelopment agency's L&amp;M Fund</li> <li>4. Other</li> </ol>				<p>_____</p>
<p><i>Address governmental constraints (65583(c)(3)):</i></p> <ol style="list-style-type: none"> <li>1. Land-use controls</li> <li>2. Building codes</li> <li>3. Site improvements</li> <li>4. Fees and exactions</li> <li>5. Processing and permit procedures</li> <li>6. Housing for persons with disabilities</li> </ol>				<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p><i>Conserve and improve the condition of the existing affordable housing stock (65583(c)(4))</i></p>				<p>_____</p>
<p><i>Program to promote equal housing opportunities (65583(c)(5))</i></p>				<p>_____</p>
<p><i>Preserve units at-risk (65583(c)(6)(d))</i></p>				<p>_____</p>

# CDBG HOUSING CONDITION SURVEY (Sample)

MAP # \_\_\_\_\_  
 Vacant (---Yes/---No)  
 For Sale (---Yes/---No)

ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_

## CONSTRUCTION TYPE

Wood Frame \_\_\_\_\_  
 Masonry \_\_\_\_\_  
 Mobile \_\_\_\_\_  
 Modular \_\_\_\_\_  
 Other \_\_\_\_\_

## STRUCTURE TYPE

Single Family with Detached Garage \_\_\_\_\_  
 Single Family with Attached Garage \_\_\_\_\_  
 Duplex \_\_\_\_\_  
 Multi-Family \_\_\_\_\_ # of Units \_\_\_\_\_  
 Other \_\_\_\_\_

## FRONTAGE IMPROVEMENTS IF APPLICABLE:

\_\_\_\_\_ CURBS (---Yes/---No)  
 \_\_\_\_\_ GUTTERS (---Yes/---No)  
 \_\_\_\_\_ ADEQUATE SITE DRAINAGE (---Yes/---No)

\_\_\_\_\_ PAVED STREET (---Yes/---No)  
 \_\_\_\_\_ SIDEWALKS (---Yes/---No)  
 \_\_\_\_\_ Driveway (---Yes/---No)

### #1 - FOUNDATION:

0 Existing foundation in good condition.  
 10 Repairs needed  
 15 Needs a partial foundation  
 25 No foundation or needs a complete foundation.

### #2 - ROOFING:

0 Does not need repair  
 5 Shingles missing  
 5 Chimney needs repair  
 10 Needs re-roofing  
 25 Roof structure needs replacement and re-roofing.

### #3 - SIDING/STUCCO:

0 Does not need repair.  
 1 Needs re-painting.  
 5 Needs to be patched and re-painted.  
 10 Needs replacement and painting.  
 10 Asbestos/Lead-Based.

### #4 - WINDOWS:

0 No repair needed.  
 1 Broken window panes  
 5 In need of repair.  
 10 In need of replacement.

### #5 - ELECTRICAL:

0 No repair needed.  
 5 Minor repair.  
 10 Replace main panel.

Sound	9 or less
Minor	10 - 15
Moderate	16 - 39
Substantial	40 - 55
Dilapidated	56 and over

56 Dilapidated-a unit suffering from excessive neglect, where the building appears structurally unsound and maintenance is nonexistent, not fit for human habitation in its current condition, may be considered for demolition or at a minimum, major rehabilitation will be required.

	#1 Foundation	#2 Roofing	#3 Siding/ Stucco	#4 Windows	#5 Electrical	TOTAL
Points						

Comments:

Surveyor \_\_\_\_\_ Date \_\_\_\_\_  
 Revised 7/98

## DEFINITION OF HOUSING CONDITIONS

**SOUND**-a unit that appears new or well maintained and structurally intact. The foundation should appear structurally undamaged and there should be straight roof lines. Siding, windows, and doors should be in good repair with good exterior paint condition. Minor problems such as small areas of peeling paint and/or other maintenance items are allowable under this category.

**MINOR**- a unit that show signs of deferred maintenance, or which needs only one major component such as a roof.

**MODERATE**-a unit in need of replacement of one or more major components and other repairs, such as roof replacement, painting, and window repairs.

**SUBSTANTIAL**-a 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.)

**DILAPIDATED**-a unit suffering from excessive neglect, where the building appears structurally unsound and maintenance is none-existent, not fit for human habitation in its current condition, may be considered for demolition or at minimum, major rehabilitation will be required.

### **ELECTRICAL INSPECTION PROCEDURE**

1. Number of service entrance conductor sets (two wire -120volts, three wire 120/240 volts, (four wire is three phase service and is not common in residences.)
2. Determine panel box conditions-missing knockouts, melted insulation, overheated fuses, missing connectors/bushings, rust, obstructed access, overloaded panel, no main service disconnect.
3. Inadequate /antiquated service-under 100 amps.

### **ROOF INSPECTION PROCEDURE**

1. Observe roof from ground and look for any unusual conditions:
  - a. unevenness in roof line
  - b. signs of leaks in eaves, soffits, fascias, abnormal condensation.
  - c. dryrot in fascias, rafters or rafter tails
  - d. flashings and roof drainage systems in good shape
  - e. shingles missing or curled
  - f. number of layers of roofing
2. On flat roofs check bubbles, blisters, cracks, spongy areas, and ponding water conditions,