

# Priorities for 6<sup>th</sup> Cycle Housing Elements

Compiled by

**PARTNERSHIP FOR  
THE  
BAY'S  
FUTURE**

**BAIRD + DRISKELL**  
COMMUNITY PLANNING

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# Priority Policies and Actions

- 1. Favorable Zoning and Land Use**
  - Make multifamily infill easier to develop
  - Allow, require or encourage multifamily housing in more places
  - Allow or encourage missing middle housing in single-family neighborhoods
  - Provide incentives for affordable housing development
  - Provide incentives for affordable ADUs and "missing middle" housing
- 2. Accelerating Production Timeframes**
  - Streamline development approvals and environmental review process for multifamily housing
  - Streamline permitting process for multifamily housing
- 3. Reducing Construction and Development Costs**
  - Ensure local requirements are not making development more expensive without requisite benefits
  - Actively support the use of modular and factory-built construction methods
- 4. Providing Financial Subsidies: Generate new or dedicate existing revenue for affordable housing**
- 5. Advocating for Rent Control and Just Cause for Eviction Policies**
  - Adopt or update rent stabilization policies
  - Adopt or update just cause eviction policies
- 6. Advocating for Community Land Trusts (CLTs):** Support the formation and operation of community land trusts (CLTs)
- 7. Advocating for Inclusionary Zoning and Impact Fees:** Create or review/update inclusionary housing (including in-lieu fees) and commercial linkage fee requirements
- 8. Inventory of Sites:** Ensure that land is equitably zoned for multifamily housing, especially in high-opportunity areas

# Make multifamily infill easier to develop

## Explore the following policies and programs:

- **Revise development codes:** Review multifamily development standards to allow greater density, including floor area ratio, height limits, minimum lot or unit sizes, setbacks, lot coverage and/or allowable dwelling units per acre.
- **Reduced parking requirements:** Adopt policies that reduce parking minimums, establish parking maximums and encourage other practices that reduce cost and the amount of space dedicated to cars.
- **Eliminate design standards:** Eliminate or replace subjective development and design standards with [objective standards](#) that simplify zoning clearance and improve approval certainty and timing.
- **Form-based codes:** Establish form-based codes that can be paired with by-right approvals.



## EXAMPLES

San Francisco, Berkeley and San Diego have eliminated minimum parking requirements in new housing development. San Francisco also has parking maximums.

[Redwood City's Downtown Precise Plan](#) links adherence to development standards with a streamlined approvals process.

# Allow, require or encourage multifamily housing in more places

## Explore the following policies and programs:

In mixed-use zones where commercial uses outcompete residential uses, cities could:

- **Change zoning standards:** Offer greater FAR, height and other zoning standards for residential developments in mixed use zones.
- **Encourage mixed-use:** Require applicants to build housing when applying to build commercial developments in mixed use zones

Cities can also ensure their regulations don't preclude the development of microunits, single room occupancy (SRO) buildings.



## EXAMPLES

[Redwood City's Mixed-Use Neighborhood District](#) allows greater height and FAR for residential-only and mixed-use buildings than for commercial-only buildings.

In 2019, San Jose revised its planning regulations to [allow for co-living housing](#) types.

# Allow or encourage missing middle housing in single-family neighborhoods

## Explore the following policies and programs:

- **Rezoning:** Rezone in single-family neighborhoods to allow [additional ADUs](#), duplexes, triplexes and other small-scale multifamily ("[missing middle](#)") housing
- **New standards and guidelines:** Establish design and development standards and guidelines that support missing [middle housing](#) types
- **SB 9 ordinances:** Develop local SB 9 implementing ordinances that encourage and support the creation of small-scale multifamily housing rather than merely comply with state requirements.



## EXAMPLES

Portland has established a strong missing middle policy, including their [Better Housing by Design](#) work, focused on design guidelines and related zoning code changes in multi-family zones, and the [Residential Infill Project](#) development standards focused on single family neighborhoods.

Eugene, Oregon approved [Middle Housing Code Amendments](#) to comply with state law. The amendments include smaller minimum lot sizes, lot size reductions for affordable units, parking reductions for housing built near transit, and other changes.

# Provide incentives for affordable housing development

## Explore the following policies and programs:

- **Overlay zones:** Establish an affordable housing overlay zone to encourage the production of below-market-rate affordable housing with targeted incentives or relaxed requirements that go beyond state density bonus law
- **Incentives for developers:** Offer zoning concessions and fee exemptions as incentives to developers of multifamily housing projects which meet [JURISDICTION]'s housing needs, in exchange for an agreement that more than [#%] of the total number of units constructed will be affordable to lower-income households



## EXAMPLES

[Menlo Park's Affordable Housing Overlay Zone](#)

[Foster City's Affordable Housing Overlay Zone](#)

[Oakley's Affordable Housing Overlay Zone](#)

[Sunnyvale's waiver of parking requirements](#)

[Half Moon Bay's waiver of development standards](#)

# Provide incentives for deed-restricted affordable ADUs and "missing middle" housing

## Explore the following policies and programs:

- **Lot splits:** Allow nonprofits and community land trusts (CLTs) to sell deed restricted affordable ADUs separately from the main house.
- **Increase ADUs per lot:** Allow nonprofits/CLTs to build two detached, deed restricted, affordable ADUs per property.
- **Community partnerships:** Develop zoning standards that provide additional flexibility to nonprofits/CLTs that want to build ADUs, including 2-story ADUs.
- **Upzoning partnerships:** Allow nonprofits/CLTs to convert single family homes into deed restricted, affordable duplexes, triplexes or quads (more permissive than SB 9)
- **Density bonuses:** Develop rules that extend the density bonus to 100 percent affordable projects smaller than 5 units.



## EXAMPLES

San Diego allows an [extra ADU](#) on a site that has reached the maximum ADU limit if the extra one is deed-restricted affordable.

Piedmont has flexibility built into their ADU ordinance where [larger ADUs are permitted](#) if they are deed restricted affordable for low-income households.

Pasadena incentivizes the creation of ADUs affordable to Section 8 voucher holders with incomes below 80% of AMI. The city offers [comprehensive assistance](#) (with financing, designing, permitting, and constructing) and low-interest construction loans.

[LA ADU Accelerator](#) matches homeowners with older renters, providing landlord support and reliable rent in return for affordability.

[LA Mas's Backyard Homes Project](#)

# Streamline development approvals and environmental review process for multifamily housing

## Explore the following policies and programs:

In locations that have not yet met their housing targets, [SB 35](#) pairs a streamlined approval process with objective design standards for infill projects that provide a certain level of affordability and comply with existing residential and mixed-use zoning and other requirements.

Localities could take it further by:

- Establishing [by-right zoning](#) and local systems/dedicated staff for more types of housing beyond SB 35-eligible projects
- Establishing by-right zoning in certain areas or neighborhoods



## EXAMPLES

[Redwood City's Downtown Precise Plan](#) allows for the ministerial approval of certain multifamily infill projects.



# Streamline permitting process for multifamily housing

## Explore the following policies and programs:

- **Improve application processes:** Review application review and approvals process to identify improvements (convene stakeholders, hire an outside firm).
- **Pre-application checks:** Establish pre-application checks to ensure that applications are complete before submission.
- **One-stop-shops:** Establish one-stop-shop permitting process and/or a single point of contact for coordinating permitting across city approval functions (e.g., planning, public works, building) from entitlement application to certificate of occupancy.
- **Special expedited permits:** Establish priority permit processing or reduced plan check times for specific categories of housing (ADU/JADUs, multifamily housing, affordable housing, etc.)



## EXAMPLES

San Diego has an [expedited permitting process](#) for affordable, infill and sustainable buildings.

Seattle has a [expedited approvals program](#) for new construction projects that meet certain sustainability requirements.

San Francisco's [Mayoral Executive Directives](#) on ADUs and setting timelines for approvals have sped up permitting processes by providing a rationale to create a sense of urgency and focus city staff.

San Jose had "[ADU Tuesdays](#)" at the city's permit counter in order to streamline ADU permit processing.

# Ensure local requirements do not make development more costly without requisite benefits

Explore the following policies and programs:

- **Flexible standards:** Provide additional flexibility on development standards, including parking standards, for affordable housing
- **Reduce construction costs:** Review current local construction requirements and building standards for excessive and costly terms



## EXAMPLES

Half Moon Bay's zoning code allows for flexibility in the application of development standards for affordable housing projects.

# Actively support the use of modular and factory-built construction methods

Explore the following policies and programs:

- **Expedited permits:** Establish a clear and expedited approval and permitting process for modular and manufactured homes.
- **Pre-fab trainings:** Conduct or require a training for building officials and relevant staff to ensure they are aware of current state processes and requirements and how they intersect with local authority/responsibilities.

# Generate new revenue and/or dedicate existing revenue towards affordable housing

## Explore the following policies and programs:

- **Explore new or increased taxes:** Generate new dedicated revenue for affordable housing. This could include:
  - Sales tax increases
  - General obligation bonds
  - Transient occupancy taxes
  - Parcel taxes
  - Head taxes
  - Business license (landlord) taxes
  - Real estate transfer taxes
  - Vacant property and vacancy taxes
- **Prioritize existing revenue:** Establish priorities or set-aside existing local general funds for affordable housing.



## EXAMPLES

In 2016, Santa Clara County voters and Alameda County voters approved general obligation bonds for affordable housing through Measure A (\$950 million in Santa Clara County) and Measure A1 (\$580 million in Alameda County).

In 2018, Oakland voters approved a vacant property tax that generates revenue for homeless services.

By resolution, San Mateo County's Board of Supervisors established funding priorities – including affordable housing uses – for 2016's Measure K half-cent sales tax extension.

In 2012, San Francisco established its Housing Trust Fund through a set-aside in the General Fund.

# Adopt or update rent stabilization policies

## Explore the following policies and programs:

Under [California's Tenant Protection Act of 2019](#) (AB 1482):

- Rent cannot be increased more than 5% + your local CPI (Consumer Price Index) OR 10% annually – whichever of these is lower.

Localities could take it further by:

- Adopting a local ordinance with a smaller allowable annual rent increase
- Adopting a local ordinance that does not sunset in 2030

Localities could also dedicate funding and resources toward education and enforcement.



## EXAMPLES

Several Bay Area jurisdictions have [rent stabilization policies](#) that go beyond state law (such as smaller allowed rent increases), including:

- San Francisco
- San Jose
- Oakland
- Berkeley
- East Palo Alto
- Mountain View
- Richmond

# Adopt or update just cause eviction policies

## Explore the following policies and programs:

[California's Tenant Protection Act of 2019](#) (AB 1482) limits the reasons for which tenants can be evicted. This law does not cover all buildings or all tenants. It expires on Jan. 1, 2030.

Localities could take it further by:

- Applying protections on day 1 of a tenancy (instead of day 365)
- Requiring landlords to have a permit in hand before evicting tenants using the "substantial remodel" provision
- Passing a local ordinance that is permanent
- Expanding just cause eviction policies to cover new construction, single-family homes and condominiums

Localities could also dedicate funding and resources toward education and enforcement.



## EXAMPLES

Berkeley, East Palo Alto and Oakland are some Bay Area jurisdictions that have existing permanent [Just Cause evictions](#) ordinances.

Most rental units in [Oakland](#) and [Richmond](#) are subject to their just cause eviction ordinances.

# Support the formation and operation of community land trusts (CLTs)

## Explore the following policies and programs:

- **Eligibility:** Ensure CLTs are eligible for local housing funding.
- **Opportunity to Purchase:** Establish a right of first offer/refusal that gives nonprofits/CLTs enhanced ability to buy property
- **CLT Incubation:** Establish an initiative to support the incubation or creation of a new community land trust. Provide financial support to CLTs in the early stages of organizational development.
- **CLT Pipeline Development:** Study the feasibility of requiring new inclusionary ownership units to be stewarded by a CLT.
- **Extra Flexibility:** Give CLTs extra flexibility to develop/steward ADUs, allowing CLTs to sell ADUs to low-income buyers and giving CLTs more flexibility with development standards (multiple ADUs, 2-story ADUs, etc.). *See affordable ADU slide*



## EXAMPLES

In 2018, New York City funded a [citywide CLT initiative](#) to support the incubation/expansion of 10 CLTs

Cities like [Irvine](#) and [Chicago](#) have city sponsored/chartered CLTs that manage the affordable ownership stock.

# Create or review/update inclusionary housing and commercial linkage fee requirements

Explore the following policies and programs:

- **Establish New Inclusionary Requirements:** Require the provision of affordable housing by the private sector through an [inclusionary requirement](#) for market-rate housing (including in-lieu fee options) and a commercial linkage fee paid by new commercial development.
- **Regularly Update Inclusionary Requirements:** Conduct an [inclusionary housing feasibility](#) study in [20XX] and develop policy recommendations on inclusionary zoning in [20XX].



## EXAMPLES

[Inclusionary housing requirements](#) have been widely, but not universally, adopted by jurisdictions across the Bay Area.

[San Mateo](#) (city) and [Boulder, CO](#) are two examples of small to mid-sized cities that have set up strong inclusionary programs that deliver affordable units and maintain affordability over time.



# Ensure that land is equitably zoned for multifamily housing, especially in high-opportunity areas

## Explore the following policies and programs:

- **Zoning:** Rezone sites for [multi-unit housing in high resource areas](#).
- **Public Land:** Set-aside publicly owned land in high opportunity areas for housing development.
- **Affordable Housing Siting Policy:** Develop an affordable housing siting policy to provide affordable housing equitably across a jurisdiction.
- **Tax Credit Competitiveness:** Conduct an analysis of a jurisdiction's geography for [tax credit amenity scoring](#).
  - Zone more land for multi-family in amenity-rich areas, and do land assembly/acquisition in places that score highly for tax credits
  - Address gaps in communities that do not score highly for tax credit amenities, especially if they are high resource areas



## EXAMPLES

Los Angeles's 6th Cycle housing element includes an objective to "[Increase the utilization of public land](#) for affordable housing with particular emphasis in high resource and gentrifying areas."

Seattle has a [development siting policy](#) that seeks to provide housing opportunities for the lowest-income and the most vulnerable populations across the city, including amenity-rich neighborhoods.

San Jose has begun a process to develop an [affordable housing siting process](#) to ensure the city meets its fair housing and affordable housing goals, including providing affordable housing in higher-opportunity neighborhoods.

# Other equitable housing policies for further exploration

Explore the following policies and programs:

- Anti-tenant harassment policies (Oakland and Concord)
- Preservation policies including acquisition/rehab models
- Transit Oriented Communities (TOC) policies

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**A Vision For a Vibrant, Inclusive  
Bay Area**