

County of Monterey

County of Monterey Government Center
1441 Schilling Place, Salinas, CA 93901
Via Teleconference/Zoom



Meeting Agenda - Final

Wednesday, November 9, 2022

5:00 PM

**1441 Schilling Place
Salinas, CA 93901
Via Teleconference/Zoom**

Housing Advisory Committee

*Tyller Williamson - Chair
Jordan Caballero - Vice-Chair
Darby Marshall - Secretary*

Participate via Zoom Meeting Link:

**[https://montereycty.zoom.us/j/91510034759?](https://montereycty.zoom.us/j/91510034759?pwd=Nmp2MnNnVDQvYnBHTWRTWHB1YUVmQT09)
[pwd=Nmp2MnNnVDQvYnBHTWRTWHB1YUVmQT09](https://montereycty.zoom.us/j/91510034759?pwd=Nmp2MnNnVDQvYnBHTWRTWHB1YUVmQT09)
Participate via Phone: 1-669-900-6833**

Meeting ID Access Code: 91510034759

Password (if required): 635101

5:00 P.M. - CALL TO ORDER

ROLL CALL

- Tyller Williamson (Chair) - District 5
- Jordan Caballero (Vice-Chair) - District 2
- Wes White - District 1
- Virginia H. Mendoza - District 1
- Sandi Austin - District 2
- Raul Calvo - District 3
- Jon Wizard - District 4
- Cary Swensen - District 4

PUBLIC COMMENT

The Housing Advisory Committee (HAC) will receive public comment on non-agenda items within the purview of the HAC. The Chair may limit the length of individual presentations.

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Committee Clerk will announce agenda corrections, deletion and proposed additions, which may be acted on by the Housing Advisory Committee as provided in Section 54954.2 of the California Government Code.

APPROVE CONSENT AGENDA

1. Adopt AB 361 Finding to continue remote Housing Advisory Committee meetings, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Housing Advisory Committee has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible.

[22-1015](#)

Attachments: [Staff Report](#)

2. It is recommended the Housing Advisory Committee Accept the Housing Advisory Committee 2023 meeting schedule. [22-1043](#)

Attachments: [Staff Report](#)
[Attachment 1 - Proposed 2023 Meeting Schedule](#)

3. Approve September 14, 2022 and October 12, 2022 Draft Action Minutes. [22-1044](#)

Attachments: [HAC Draft Minutes 9.14.22](#)
[HAC Draft Minutes 10.12.22](#)

SCHEDULED MATTERS

4. Consider a recommendation to the Board of Supervisors on revisions to the County's 2010 General Plan, Inclusionary Housing Ordinance (Chapter 18.40 of the Monterey County Code) and administrative manual addressing applicable projects, affordability requirements, term of affordability and exemptions. [22-1045](#)

Attachments: [Staff Report](#)
[Attachment 1 - Inclusionary Housing Policy Direction Staff Recommendations](#)
[Attachment 2 - Background for Recommendations](#)
[Attachment 3 - Jurisdictional Ordinances](#)
[Attachment 4 - Other Compliance Requirements by Jurisdiction](#)

OTHER MATTERS

COMMITTEE COMMENTS, REQUEST AND REFERRALS

This is a time set aside for the members of HAC to comment, request, or refer a matter that is on or not on the agenda. At this time, members may also request that an item be added to a future HAC agenda.

DEPARTMENT UPDATE

Planning Commission Housing Pipeline Report Update

ADJOURNMENT

NEXT SCHEDULED MEETING

Wednesday, December 21, 2022

IMPORTANT NOTICE REGARDING COVID-19 AND PARTICIPATION IN THE HOUSING

ADVISORY COMMITTEE MEETING

County of Monterey Housing Advisory Committee will be held by teleconference to minimize the spread of the COVID-19 virus, in accordance with the State of Emergency proclaimed by Governor Newsom on March 4, 2020, Government Code section 54953 as amended by AB 361, and the Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible.”

To participate in this County of Monterey Housing Advisory Committee meeting, the public are invited to observe and address the Commission telephonically or electronically. Instructions for public participation are below:

Participate via Phone: 1-669-900-6833

Meeting ID Access Code: 91510034759

Password (if required): 635101

Public Participation Instructions:

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Members of the public are strongly encouraged to submit their comments in writing via email to the County Housing and Community Development at HAChearingcomments@co.monterey.ca.us by 2:00 p.m. on the Tuesday prior to the Committee meeting. To assist County staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Housing Advisory Committee date and agenda number in the subject line. Comments received by the 2:00 p.m. Tuesday deadline will be distributed to the Committee and will be placed in the record.

Applicants and members of the public wishing to comment on a specific agenda item while the matter is being heard during the meeting may participate by any of the following means:

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and “general comment” should be indicated in the subject line. The comment will be placed in the record for the meeting, and every effort will be made to read the comment into the record at the appropriate time on the agenda.

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INTERPRETATION SERVICE POLICY: The County of Monterey Housing Advisory Committee invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the County of Monterey Housing and Community Development Department located in the County of Monterey Government Center, 1441 Schilling Place, 2nd Floor South, Salinas - or by phone at (831) 755-5025. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Housing Advisory Committee.

DOCUMENT DISTRIBUTION: Documents relating to agenda items that are distributed to the Committee less than 72 hours prior to the meeting are available by request by sending an email to HAChearingcomments@co.monterey.ca.us

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the County of Monterey Housing and Community Development at (831) 755-5025.

AVISO IMPORTANTE SOBRE COVID-19 Y PARTICIPACIÓN EN LA REUNIÓN DEL COMITÉ DE ASESOR DE VIVIENDA

El Comité de Asesor de Vivienda del Condado de Monterey se llevará a cabo por teleconferencia para minimizar la propagación del virus COVID-19, de acuerdo con el Estado de Emergencia proclamado por el Gobernador Newsom el 4 de marzo de 2020, la Orden Ejecutiva N-29-20 emitida por el Gobernador Newsom el 17 de marzo del 2020 y la Orden de Refugio en el Lugar emitida por el Oficial de Salud del Condado de Monterey el 17 de marzo del 2020, que puede ser modificado periódicamente.

Para participar en esta reunión el Comité de Asesor de Vivienda del Condado de Monterey, invita al público a observar y asistir la reunión por teléfono o electrónicamente. Las instrucciones para la participación pública son las siguientes:

Participe a través de Zoom haciendo clic en el enlace:

[https://montereycty.zoom.us/j/91510034759?](https://montereycty.zoom.us/j/91510034759?pwd=Nmp2MnNnVDQvYnBHTWRTWHB1YUVmQT09)

[pwd=Nmp2MnNnVDQvYnBHTWRTWHB1YUVmQT09](https://montereycty.zoom.us/j/91510034759?pwd=Nmp2MnNnVDQvYnBHTWRTWHB1YUVmQT09)

Participe por teléfono: 1-669-900-6833

Código de acceso de reunión: 915 1003 4759

Contraseña (si es necesario): 635101

Instrucciones de participación pública:

La reunión se llevará a cabo a través de teleconferencia utilizando el programa Zoom, y los miembros del Comité asistirán electrónica o telefónicamente. La reunión no tendrá un lugar físico al que asistir físicamente. El público puede observar la reunión de Zoom a través de la computadora haciendo clic en el enlace de la reunión mencionado anteriormente, o el público puede escuchar por teléfono marcando el número de teléfono que aparece anteriormente y luego, cuando se le solicite, ingresando el código de acceso de la reunión mencionado anteriormente. Se le pedirá un "codigo de participante". No necesita un codigo de participante para unirse a la reunión, presione la tecla numeral (#) nuevamente y se conectará automáticamente.

Se recomienda a los miembros del público que envíen sus comentarios por escrito por correo electrónico al Departamento de Vivienda y Desarrollo Comunitario del Condado a HAChearingcomments@co.monterey.ca.us antes de las 2:00 p.m. del martes anterior de la reunión del Comité. Para ayudar al personal del Condado a identificar el punto del orden del día al que se refiere el comentario, se solicita al público que indique la fecha de la reunión del Comité de Asesor de Vivienda y el número de la agenda en la línea de asunto. Comentarios recibidos a las 2:00 p.m. del martes se distribuirá al Comité y se colocará en el registro.

Los solicitantes y miembros del público que deseen dar comentarios sobre un punto específico de la agenda del día mientras el asunto se escucha durante la reunión podrán participar por cualquiera de los siguientes medios:

Cuando el Presidente solicite comentarios públicos sobre un punto de la agenda del día, el Secretario del Comité o su designado determinará primero quién quiere hablar (entre los que están en la reunión electrónica o telefónicamente) y luego llamará al público y activará su microfono de uno en uno. Los miembros del públicos, incluyendo el solicitante, pueden transmitirse solo en forma de audio.

Los miembros del público que deseen hacer un comentario público general sobre los puntos que no están en la agenda del día pueden enviar su comentario por correo electrónico, preferiblemente limitado a 250 palabras o menos, al Secretario del Comité a HAChearingcomments@co.monterey.ca.us. La fecha de la reunion del Comité de Asesor de Vivienda y las palabras "Comentario General" deben ser indicados en la línea de asunto del correo electrónico. El comentario se colocará en la agenda de la reunión, y se hará todo lo posible para leer el comentario en el momento apropiado en durante la reunión.

Las personas con discapacidades que deseen solicitar una adaptación o modificación razonable para observar o participar en la reunión pueden hacer dicha solicitud enviando un correo electrónico al Secretario en HAChearingcomments@co.monterey.ca.us . La solicitud debe hacerse a más tardar a las 2:00 p.m. del martes anterior de la fecha de la reunión para dar tiempo al Condado a cumplir la solicitud.

POLÍTICA DE SERVICIO DE INTERPRETACIÓN: El Comité de Asesor de Vivienda del Condado de Monterey invita y agradece la participación de los residentes del Condado de Monterey en sus reuniones. Si necesita la asistencia de un intérprete, comuníquese con el Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey ubicado en el Centro de Gobierno del Condado de Monterey, 1441 Schilling Place, segundo piso, Salinas, o por teléfono al (831) 755-5025. El Secretario hará todo lo posible para satisfacer las solicitudes de asistencia de intérpretes. Las solicitudes deben hacerse lo antes posible, y mínimo 24 horas antes de cualquier reunión del Comité de Asesor de Vivienda.

DISTRIBUCIÓN DE DOCUMENTOS: Los documentos relacionados con los puntos de la orden del día que se distribuyen al Comité menos de 72 horas antes de la reunión están disponibles mandando una solicitud de un correo electrónico a HAChearingcomments@co.monterey.ca.us

Si se solicita, la agenda estará disponible en formatos alternativos apropiados para las personas con discapacidad, como lo requiere la Sección 202 de la Ley de Estadounidenses con Discapacidades de 1990 (42 USC Sec. 12132) y las reglas y regulaciones federales adoptadas en implementación de la misma. Para obtener información sobre cómo, a quién y cuándo una persona con una discapacidad que requiere una modificación o adaptación para participar en la reunión pública puede hacer una solicitud de modificación o adaptación relacionada con la discapacidad, incluyendo las ayudas o servicios auxiliares, o si tiene alguna pregunta sobre cualquiera de los puntos enumerados en esta agenda, llame al Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey al (831) 755-5025.

MONTEREY COUNTY HOUSING ADVISORY COMMITTEE

MEETING:	November 9, 2022	AGENDA NO.:	1
SUBJECT:	Adopt AB 361 Finding to continue remote Housing Advisory Committee meetings, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Housing Advisory Committee has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible.		
DEPARTMENT:	Housing and Community Development		

RECOMMENDATION:

It is recommended that the Housing Advisory Committee:

Adopt AB 361 Finding to continue remote Housing Advisory Committee meetings, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Housing Advisory Committee has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible.

SUMMARY/DISCUSSION:

In September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation in a meeting by teleconference. AB 361 provides that if a state or local health official recommends social distancing, the Housing Advisory Committee may meet remotely after September 30, 2021, provided that within 30 days of the first meeting after September 30, and every 30 days thereafter, the Housing Advisory Committee finds 1) the Governor's proclaimed state of emergency is still in effect; 2) the Housing Advisory Committee has reconsidered the circumstances of the state of emergency, and 3) the Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible.

The Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible, so the Housing Advisory Committee was able to meet remotely the first time after September 30, 2021. To continue meeting, the Housing Advisory Committee must make the findings outlined above.

Accordingly, staff recommends making the appropriate findings. This action is required every 30 days to keep meeting remotely; a special meeting may be necessary for that purpose.

Prepared by: Anita Nachor Senior Secretary, (831) 755-5381

Approved by: Darby Marshall, Housing Program Manager, WOC



County of Monterey

Item No.2

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 22-1043

November 09, 2022

Introduced: 11/3/2022

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

It is recommended the Housing Advisory Committee Accept the Housing Advisory Committee 2023 meeting schedule.

RECOMMENDATION:

It is recommended the Housing Advisory Committee Accept the Housing Advisory Committee 2023 meeting schedule.

Prepared by: Anita Nachor Senior Secretary, (831) 755-5381

Approved by: Darby Marshall, Housing Program Manager, WOC

Attachment 1- Proposed 2023 Meeting Schedule

Housing Advisory Committee
Meeting
Dates

Meeting dates: Second WEDNESDAY of every other month at 5:00 pm, unless otherwise posted.

Meeting location: Via Zoom /
Thyme Room, 1441 Schilling Place, 2nd Floor,
Salinas, CA 93901

Chairman: Tyller Williamson

Vice-Chair: Jordan Caballero

Meeting Date	Location/Time
Wednesday, January 11, 2023	Via Zoom/ Thyme Room, 1441 Schilling Place, 2nd Floor, Salinas, CA 93901 5:00-7:00 pm
Wednesday, March 8, 2023	Via Zoom/ Thyme Room, 1441 Schilling Place, 2nd Floor, Salinas, CA 93901 5:00-7:00 pm
Wednesday, May 10, 2023	Via Zoom/ Thyme Room, 1441 Schilling Place, 2nd Floor, Salinas, CA 93901 5:00-7:00 pm
Wednesday, July 12, 2023	Via Zoom/ Thyme Room, 1441 Schilling Place, 2nd Floor, Salinas, CA 93901 5:00-7:00 pm
Wednesday, September 13, 2023	Via Zoom/ Thyme Room, 1441 Schilling Place, 2nd Floor, Salinas, CA 93901 5:00-7:00 pm
Wednesday, November 8, 2023	Via Zoom/ Thyme Room, 1441 Schilling Place, 2nd Floor, Salinas, CA 93901 5:00-7:00 pm

Monterey County

County of Monterey Government Center
1441 Schilling Place, Salinas, CA 93901
Via Teleconference/Zoom



Meeting Minutes - Draft

Wednesday, September 14, 2022

5:00 PM

1441 Schilling Place

Salinas, CA 93901

Via Teleconference/Zoom

Housing Advisory Committee

Tyler Williamson - Chair

Jordan Caballero - Vice-Chair

Darby Marshall - Secretary

5:00 P.M. - CALL TO ORDER

Chair Williamson called the meeting to order at 5:00 p.m.

ROLL CALL

Members Present: Sandi Austin, Jordan Caballero, Raul Calvo, Virginia Mendoza, Cary Swensen, Wes White, Tyller Williamson, Jon Wizard

Committee Member Wizard left meeting at 6:00 p.m.

Committee Member Mendoza and Committee Member Swensen left meeting at 6:06 p.m.

Members Absent: None

Staff Present:, Yuri Anderson, Sean Collins, Erik Lundquist, Kristi Markey, Darby Marshall, Anita Nachor, Dawn Yonemitsu

Others Present: Karen Araujo, Jane Barr, Kokobien, Alyssa Kroeger – MBEP, Esther Malkin, Gabriel Sanders,

PUBLIC COMMENT

Yuri Anderson – District 4

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

There were no agenda additions, deletions, and corrections to the agenda.

APPROVE CONSENT AGENDA

1. Adopt AB 361 Finding to continue remote Housing Advisory Committee meetings, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Housing Advisory Committee has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible. [22-863](#)
2. Approve August 3, 2022 and August 24, 2022, Draft Action Minutes. [22-862](#)

Action: A motion was made by Committee Member White to approve the consent agenda. Chair Williamson seconded the motion.

AYES: Austin, Caballero, Calvo, Mendoza, Swensen, White, Williamson, Wizard

NAYS: None

ABSENT: None

ABSTAINED: None

Motion Passed – 8-0**Public Comment: None****SCHEDULED MATTERS**

3. a. Receive a report on historic impact of the Inclusionary Housing Ordinance; and, [22-861](#)
b. Provide direction to staff on the specific affordability distribution that should be included in the updated Inclusionary Housing Ordinance

a. Darby Marshall presented on historic impact of the Inclusionary Housing Ordinance. Discussion Held. Receive and File.

b. Committee Members requested additional time to make a decision. Would like Staff to provide additional information, à la carte options, and data at the next meeting on October 12, 2022.

OTHER MATTERS

There were no other matters on this agenda.

COMMITTEE COMMENTS, REQUEST AND REFERRALS

Chair Williamson requested that Darby provide the status on the 21 Elements.

Darby Marshall mentioned that the County has met with the City Managers around the Monterey Bay. The next step is to reach out to the Community Development and Planning Directors to see if they would like to partner on a regional affirmatively further and fair housing study. It is a required component for the Sixth cycle housing element. Most of the data is similar, so there might be some opportunities to have some savings just doing it all, as well as tearing off specific reports for each jurisdiction based on the massive data that one consultant can collect and maybe save some funds that way too.

DEPARTMENT UPDATE

Darby Marshall gave an update on the Housing Trust Fund application was accepted by the state as complete. WE are waiting on the matching award amount. The next step will be the drafting of the program guidelines. and what the process will be for requesting proposals, rating and ranking proposals, and the HAC will have a role in the process. It will also be linked with what is done with the Inclusionary Housing Fund, and any In Lie fees it generates because the BOS has pledged those funds to the Local Housing Trust Fund going forward.

Anita Nachor will post the recordings to the Housing website.

ADJOURNMENT

Chair Williamson moved to adjourn. The meeting was adjourned at 6:11 p.m.

NEXT SCHEDULED REGULAR MEETING

Wednesday, October 12, 2022

County of Monterey

County of Monterey Government Center
1441 Schilling Place, Salinas, CA 93901
Via Teleconference/Zoom



Meeting Minutes - Draft

SPECIAL MEETING

Wednesday, October 12, 2022

5:00 PM

1441 Schilling Place

Salinas, CA 93901

Via Teleconference/Zoom

Housing Advisory Committee

Tyler Williamson - Chair

Jordan Caballero - Vice-Chair

Darby Marshall - Secretary

Participate via Zoom Meeting Link:

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Participate via Phone: 1-669-900-6833

Meeting ID Access Code: 91289468933

Password (if required): 837614

5:00 P.M. - CALL TO ORDER

Chair Williamson called the meeting to order at 5:00 p.m.

ROLL CALL

Members Present: Sandi Austin, Jordan Caballero, Raul Calvo, Virginia Mendoza, Cary Swensen, Wes White, Tyller Williamson, Jon Wizard

Members Absent: None

Staff Present: Sean Collins, Darby Marshall, Anita Nachor

Others Present: No others present.

PUBLIC COMMENT

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

There was no public comments to the agenda

APPROVE CONSENT AGENDA

1. Adopt AB 361 Finding to continue remote Housing Advisory Committee meetings, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Housing Advisory Committee has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible.

[22-920](#)

Action: A motion was made by Committee Member White to approve the consent agenda. Committee Member Caballero seconded the motion

AYES: Austin, Caballero, Calvo, Mendoza, Swensen, White, Williamson, Wizard

NAYS: None

ABSENT: None

ABSTAINED: None

Motion Passed – 8-0

Public Comment: None

OTHER MATTERS

There were no other matters on this agenda.

COMMITTEE COMMENTS, REQUEST AND REFERRALS

There were no committee comments, request, and referrals on this agenda.

DEPARTMENT UPDATE

Darby Marshall gave an update. He mentioned that the non-entitlement communities in the County that have not applied for their Permanent Local Housing Allocation (PLHA) , the County is in the works of putting together a larger application to partner with them.

The City of Monterey is interested in possibly joining that consortium and amending their 5-year plan to get more for their money.

The November 9, 2022, agenda will be distributed earlier than usual. We have a large number of items to cover. Darby will be drafting a side-by-side comparison of ½ -1 dozen of Inclusionary housing and affordable housing ordinances. This is information for the HAC Committee to see how different jurisdictions have structured the ordinances. Starting in November, the County is going to be on a tight deadline to get the HAC to make some recommendations on “How the County’s Inclusionary Housing Ordinance should be amended.”

ADJOURNMENT

Chair Williamson moved to adjourn. The meeting was adjourned at 5:06 p.m.

NEXT SCHEDULED REGULAR MEETING

Wednesday, November 9, 2022

IMPORTANT NOTICE REGARDING COVID-19 AND PARTICIPATION IN THE HOUSING ADVISORY COMMITTEE MEETING

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INTERPRETATION SERVICE POLICY: The County of Monterey Housing Advisory Committee invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the County of Monterey Housing and Community Development Department located in the County of Monterey Government Center, 1441 Schilling Place, 2nd Floor South, Salinas - or by phone at (831) 755-5025. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Housing Advisory Committee.

DOCUMENT DISTRIBUTION: Documents relating to agenda items that are distributed to the Committee less than 72 hours prior to the meeting are available by request by sending an email to HAChearingcomments@co.monterey.ca.us

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the County of Monterey Housing and Community Development at (831) 755-5025.

AVISO IMPORTANTE SOBRE COVID-19 Y PARTICIPACIÓN EN LA REUNIÓN DEL COMITÉ DE ASESOR DE VIVIENDA

El Comité de Asesor de Vivienda del Condado de Monterey se llevará a cabo por teleconferencia para minimizar la propagación del virus COVID-19, de acuerdo con el Estado de Emergencia proclamado por el Gobernador Newsom el 4 de marzo de 2020, la Orden Ejecutiva N-29-20 emitida por el Gobernador Newsom el 17 de marzo del 2020 y la Orden de Refugio en el Lugar emitida por el Oficial de Salud del Condado de Monterey el 17 de marzo del 2020, que puede ser modificado periódicamente.

Para participar en esta reunión el Comité de Asesor de Vivienda del Condado de Monterey, invita al público a observar y asistir la reunión por teléfono o electrónicamente. Las instrucciones para la

participación pública son las siguientes:

Participe a través de Zoom haciendo clic en el enlace:

<https://montereycty.zoom.us/j/91289468933?pwd=amptTExsRnZWU3hpYWJVZkh2SGFtdz09>

Participe por teléfono: 1-669-900-6833

Código de acceso de reunión: 91289468933

Contraseña (si es necesario): 837614

Instrucciones de participación pública:

La reunión se llevará a cabo a través de teleconferencia utilizando el programa Zoom, y los miembros del Comité asistirán electrónica o telefónicamente. La reunión no tendrá un lugar físico al que asistir físicamente. El público puede observar la reunión de Zoom a través de la computadora haciendo clic en el enlace de la reunión mencionado anteriormente, o el público puede escuchar por teléfono marcando el número de teléfono que aparece anteriormente y luego, cuando se le solicite, ingresando el código de acceso de la reunión mencionado anteriormente. Se le pedirá un "codigo de participante". No necesita un codigo de participante para unirse a la reunión, presione la tecla numeral (#) nuevamente y se conectará automáticamente.

Se recomienda a los miembros del público que envíen sus comentarios por escrito por correo electrónico al Departamento de Vivienda y Desarrollo Comunitario del Condado a HAChearingcomments@co.monterey.ca.us antes de las 2:00 p.m. del martes anterior de la reunión del Comité. Para ayudar al personal del Condado a identificar el punto del orden del día al que se refiere el comentario, se solicita al público que indique la fecha de la reunión del Comité de Asesor de Vivienda y el número de la agenda en la línea de asunto. Comentarios recibidos a las 2:00 p.m. del martes se distribuirá al Comité y se colocará en el registro.

Los solicitantes y miembros del público que deseen dar comentarios sobre un punto específico de la agenda del día mientras el asunto se escucha durante la reunión podrán participar por cualquiera de los siguientes medios:

Cuando el Presidente solicite comentarios públicos sobre un punto de la agenda del día, el Secretario del Comité o su designado determinará primero quién quiere hablar (entre los que están en la reunión electrónica o telefónicamente) y luego llamará al público y activará su microfono de uno en uno. Los miembros del públicos, incluyendo el solicitante, pueden transmitirse solo en forma de audio.

Los miembros del público que deseen hacer un comentario público general sobre los puntos que no están en la agenda del día pueden enviar su comentario por correo electrónico, preferiblemente limitado a 250 palabras o menos, al Secretario del Comité a HAChearingcomments@co.monterey.ca.us. La fecha de la reunion del Comité de Asesor de Vivienda y las palabras "Comentario General" deben ser indicados en la línea de asunto del correo electrónico. El comentario se colocará en la agenda de la reunión, y se hará todo lo posible para leer

el comentario en el momento apropiado en durante la reunión.

Las personas con discapacidades que deseen solicitar una adaptación o modificación razonable para observar o participar en la reunión pueden hacer dicha solicitud enviando un correo electrónico al Secretario en HAChearingcomments@co.monterey.ca.us . La solicitud debe hacerse a más tardar a las 2:00 p.m. del martes anterior de la fecha de la reunión para dar tiempo al Condado a cumplir la solicitud.

POLÍTICA DE SERVICIO DE INTERPRETACIÓN: El Comité de Asesor de Vivienda del Condado de Monterey invita y agradece la participación de los residentes del Condado de Monterey en sus reuniones. Si necesita la asistencia de un intérprete, comuníquese con el Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey ubicado en el Centro de Gobierno del Condado de Monterey, 1441 Schilling Place, segundo piso, Salinas, o por teléfono al (831) 755-5025. El Secretario hará todo lo posible para satisfacer las solicitudes de asistencia de intérpretes. Las solicitudes deben hacerse lo antes posible, y mínimo 24 horas antes de cualquier reunión del Comité de Asesor de Vivienda.

DISTRIBUCIÓN DE DOCUMENTOS: Los documentos relacionados con los puntos de la orden del día que se distribuyen al Comité menos de 72 horas antes de la reunión están disponibles mandando una solicitud de un correo electrónico a HAChearingcomments@co.monterey.ca.us

Si se solicita, la agenda estará disponible en formatos alternativos apropiados para las personas con discapacidad, como lo requiere la Sección 202 de la Ley de Estadounidenses con Discapacidades de 1990 (42 USC Sec. 12132) y las reglas y regulaciones federales adoptadas en implementación de la misma. Para obtener información sobre cómo, a quién y cuándo una persona con una discapacidad que requiere una modificación o adaptación para participar en la reunión pública puede hacer una solicitud de modificación o adaptación relacionada con la discapacidad, incluyendo las ayudas o servicios auxiliares, o si tiene alguna pregunta sobre cualquiera de los puntos enumerados en esta agenda, llame al Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey al (831) 755-5025.



County of Monterey

Item No.4

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 22-1045

November 09, 2022

Introduced: 11/3/2022

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Consider a recommendation to the Board of Supervisors on revisions to the County's 2010 General Plan, Inclusionary Housing Ordinance (Chapter 18.40 of the Monterey County Code) and administrative manual addressing applicable projects, affordability requirements, term of affordability and exemptions.

RECOMMENDATION:

It is recommended that the Housing Advisory Committee consider a recommendation to the Board of Supervisors on revisions to the County's 2010 General Plan, Inclusionary Housing Ordinance (Chapter 18.40 of the Monterey County Code) and administrative manual addressing applicable projects, affordability requirements, term of affordability and exemptions.

SUMMARY/DISCUSSION:

The Housing Advisory Committee is charged with making recommendations to the Board of Supervisors on revisions to the Inclusionary Housing Ordinance. At the September HAC meeting staff presented a schedule for completing these code revisions and options for the HAC to consider in making its recommendations to the Board. At that time, the HAC indicated that it required additional information before endorsing specific policy recommendations. To inform the HAC's decision making process, a summary of affordable and inclusionary housing ordinances of 13 cities and counties is included as **Attachment 3 and 4**. A 14th jurisdiction, San Luis Obispo County, is also included but the County repealed its ordinance on March 15, 2022, so it is currently inoperable.

In light of the analysis conducted to date, including but not limited to community engagement meetings, surveys and research, staff recommends that the HAC consider its recommendation to the Board. To guide the HAC's recommendation, staff has prepared a recommendation that balances the interests of the community, developers while meeting the County overall housing goals and objectives. If the HAC is in agreement with staff's suggested recommendation, the HAC should recommend that the Board of Supervisors revise applicable sections of the 2010 General Plan, Inclusionary Housing Ordinance (Chapter 18.40 of the Monterey County Code) and administrative manual to address the policy direction as provided in **Attachment 1**.

Prepared by: Darby Marshall, Housing Program Manager (WOC) (831) 755-5391

Approved by: Erik V. Lundquist, AICP, Director

Attachments:

Attachment 1 - Inclusionary Housing Policy Direction Staff Recommendations

Attachment 2 - Background for Recommendations

Attachment 3 - Jurisdictional Ordinances

Attachment 4 - Other Compliance Requirements by Jurisdiction

Inclusionary Housing Policy Direction
Staff Recommendations

Applicable Project Size (proposed lots/units)

1. Apply to all projects which result in 1 or more new units per existing lot of record.
2. Projects with less than 20 new units may satisfy obligations through payment of in-lieu fees by right.
3. Projects zoned “Farmlands” or “Grazing” resulting in lots of not less than 40-acres in size may satisfy obligations through payment of in-lieu fees by right.

Affordability Requirements

1. On-site compliance by either:
 - a. 15% Affordability – 7.5% Very Low-Income and 7.5% Low-Income.
 - b. 20% Affordability - 10% Low-Income and 10% Moderate-Income
2. Off-Site Compliance -20% affordability – 5% Very Low-Income, 10% Low-Income, and 5% Moderate-Income.
3. By right In-Lieu Fee, Off-site and/or use of alternative compliance mechanisms must pay in-lieu fees equal to 20% of the Development.
4. Applicants who comply with the Inclusionary requirements by burdening the development with an Employer Sponsored Housing Permit, must provide 20% affordability – 7.5% Very Low-Income, 7.5% Low-Income, and 5% Moderate-Income.

Term of Affordability

1. For Sale Units – 45-years with term of affordability renewing at each transfer of title and/or refinancing.
2. Rentals – 55-years

Development Exempt from Ordinance

1. Residential developments which form part of a larger residential development as to which the requirements of this chapter have previously been fully satisfied and as to which there is no default in continuing obligations under this chapter, where the new residential development results in no increase in the number of previously approved lots or units.
2. Development as to which the applicant demonstrates during consideration of a first approval that there is no reasonable relationship between the development and the requirements imposed by this chapter, that the requirements of this chapter would take property in violation of the Federal or California Constitution, or that as a result of unusual or unforeseen circumstances, it would not be appropriate to apply, or would be appropriate to modify, the requirements of this chapter, provided that the Appropriate Authority who makes the determination to approve or disapprove an exemption or modification makes written findings, based on substantial evidence, supporting that determination.
3. Development subject to an Employer Sponsored Housing Permit.
 - a. Projects shall be required to execute and record an Inclusionary Housing Developer Agreement memorializing how the Project will meet its Inclusionary Housing obligations if the Employer Sponsored Housing Permit is not renewed by either the Owner or the appropriate regulatory agency.
4. Mobile home park development.

BACKGROUND FOR POLICY RECOMMENDATIONS

Project Threshold Trigger

Background

This threshold determines when a residential project becomes subject to the County's Inclusionary Housing Ordinance. Thresholds currently used by sampled jurisdictions range from 3 to 20 new lots/units. The average threshold is 9.4 new lots or units, and the mean threshold is 5.5 triggering some level of affordable housing requirements. The County's threshold has varied from the first new unit being required to pay an in-lieu fee equal to 2% of the cost to construct an affordable unit to allowing up to 6 new lots/units before requiring compliance. Since October 2010, the County threshold has been 3 new lots/units.

Developers, including for profit and non-profit, who participated in the County's outreach efforts encouraged the County to set a higher threshold. The rationale was that the cost of complying with the Inclusionary Housing Ordinance was acting as an impediment to housing development. Housing advocates called for a lower threshold to capture more potential affordable housing.

Related to the threshold for requiring compliance with the Inclusionary Housing Ordinance is the threshold for when projects must start building affordable units. As noted above, the County requires all projects with 3 or more new lots or units to comply with the Ordinance. Projects of 3 or 4 units may satisfy their obligation by payment of an in-lieu fee. Projects of 5 or more units are required to provide at least 1 affordable unit for every 5 units proposed.

The County recently established the Monterey County Local Housing Trust Fund (MCLHTF). The MCLHTF will provide a local source of financial support for the development of affordable housing. Dedicating in-lieu fees to ensure a steady inflow of capital to the MCLHTF may be a compromise between the two camps.

Policy Considerations:

- What is the minimum number of units required for a project to have to comply with Inclusionary Housing Ordinance?
- What is the minimum project size before on-site units are required?

Development Exempt from Inclusionary Housing Ordinance

Background

Most affordable/inclusionary housing ordinances include exemptions. Monterey County has always exempted projects that: are part of a larger residential development that has already been subjected to the requirements of the Inclusionary Housing Ordinance; development where the applicant can demonstrate that there is no reasonable relationship between the development and Inclusionary requirements; would violate the state or federal Constitution...; development for Farmworkers (farmworkers is not defined); mobile home park development. The Board of Supervisors has also adopted a policy that provides a limited exemption for agricultural subdivisions that create lots of at least 40-

acres. In these cases, the subdivision is approved with an agreement to pay in-lieu fees on each lot as residential building permits are issued.

Most Employer Sponsored Housing in Monterey County is for seasonal farmworkers or hospitality workers and is generally considered “affordable”.

Policy Considerations:

- Is it “fair” to exempt housing for farmworkers but not employer sponsored housing for hospitality workers?
- The County has commissioned a nexus study to determine the appropriate affordable housing linkage fee to charge non-residential development which could make more, currently exempt, development subject to the Ordinance.

Affordability Distribution/Requirements

Background

The affordability level refers to a household’s annual income, adjusted for the number of people in the household, as a percentage of the area median income (AMI). The 2022 median household income for a four-person household in Monterey County is \$90,100. The Inclusionary Housing Ordinance and General Plan Land Use Policies requires that 6% of the units in a project be affordable to households earning no more than 50% of AMI (very low-income); 6% be affordable to households earning 80% of AMI (low-income); 8% of the units be affordable to households earning no more than 120% AMI (moderate-income); and, 5% of the units be affordable to households earning up to 150% or 180% AMI (workforce 1 and 2-incomes).

Generally, affordable housing means that a very low- or low-income household is spending no more than 30% of their monthly income on all housing costs (mortgage/rent, HOA dues, taxes, and utilities). For moderate- and workforce-income units it means spending no more than 35% of monthly income on all housing costs.

Affordable units require subsidies to be financially viable. These subsidies may be passed on to a small group of consumers through higher market rate rents or sales prices for other units within the development. These subsidies may also be passed on to a larger group of consumers using Housing Choice Vouchers, low-income housing tax credits, or other public financing mechanisms. Units developed to comply with the Inclusionary Housing Ordinance and without other subsidies spread the subsidy across the market rate units through higher sales prices or rents.

The Workforce 1- and 2-income categories have been challenging for the County to successfully implement. The County has experience with two projects that have constructed units at these affordability tables. The first, the Commons at Rogge Road, was required to provide 75-units. In 2008, the developer petitioned the Board of Supervisors to waive this condition of approval because the units were not selling. The workforce sales price was the same as market rate but came with limitation on purchaser upgrades, resale limits, and income eligibility documentation that made the units

uncompetitive in the market. The Board released the developer from this condition of approval.

The second project is East Garrison. This project has faced similar issues and required the developer to make concessions to potential purchasers to sell the units. The units were only burdened with a one-year term of affordability, meaning subsequent purchasers were not going to benefit from a, potentially, below market purchase price.

Policy Considerations:

Should the Workforce 1 and 2 affordability levels be eliminated?
What is the correct mix of affordability?

Term of Affordability

Background:

The term of affordability determines how long an affordable unit will remain affordable. Rental units, especially those with other government financing, are typically required to remain affordable for 55-years.

Homeownership is one of the main drivers of intergenerational wealth transfer. Placing limits on the resale value of an Inclusionary home can reduce the amount of wealth, in the form of equity, is available to transfer between generations. However, without the initial subsidized purchase price of an Inclusionary unit the homeowner may not ever achieve this element of the American Dream.

Policy Considerations:

What is the long-term objective of the Inclusionary Housing Ordinance? Is it to:

- Provide a stable source of affordable homeownership opportunities for limited intergenerational wealth creation?
- Provide “windfall” opportunities for a few households?

OTHER BACKGROUND INFORMATION

H2A Housing & Employer Sponsored Housing

Background

“H2A” housing is provided for foreign guest workers in agriculture. Employers utilizing H2A visas must demonstrate to the U.S. Department Labor and California Employment Development Department that they have housing for these visa holders before the visas are issued. These units fall under a category of housing regulated by the Employer Sponsored Housing Act which establish minimum standards that must be met. Employer sponsored housing is NOT limited to agricultural employers. The County also has employer sponsored housing operated by the State and several hospitality employers in the Big Sur area. Employer Sponsored Housing may not even be associated with a specific employer. The County’s 19 single family units at Kents Court are covered by an Employer Sponsored Housing Permit. With the Permit in place, the County has no obligation to ensure that units are occupied by households with a member working for a

specific employer or even in a specific industry, and there are no rent or income limitations imposed by the Permit.

The current trend by developers is to construct 2-bedroom units with shared kitchen and bathroom facilities for up to 8 unrelated people. These units can, with interior tenant improvements, be converted to regular apartment units.

Inclusionary Housing Ordinance Context

- Farmworker Housing, which these units are, is exempt from the County’s Inclusionary Housing Ordinance.
- The County has been recommending “H2A” projects requesting a density bonus make the affordable units required to qualify for the bonus be regular units and occupied year-round.

Policy Considerations:

- Should “H2A” units lose their exemption from the Inclusionary Housing Ordinance and be subject to the commercial impact fee if it is adopted by the Board of Supervisors?
- Should the existing exemption for “farmworker” housing in the Inclusionary Housing Ordinance be expanded to exempt all types of employer-sponsored housing.
- If “farmworker”, H2A, and/or all employer sponsored housing remains exempt from the Inclusionary Housing Ordinance, should the developer be required to execute a Standby Inclusionary Housing Agreement that becomes effective if the Employer Sponsored Housing permit is not renewed or stops using the property for the population that initially qualified for the exemption?

Density Bonus

Background:

The County and State have adopted laws that encourage developers to include affordable units in projects by offering concessions that improve a project’s economic feasibility. As the name implies, the primary concession is an increase in density above what is normally allowed by local zoning ordinances. The increase in density is determined by the percentage of units at a given affordability level in a project. For example, if the developer of a 100-unit apartment building voluntarily restricts 5 to be occupied by very low-income households, they would qualify for 20 additional market rate units by using the density bonus. The same project could also elect to restrict 10-low-income households or 25 moderate-income units and still receive 20 additional market rate units. In addition to an increase in units, developers may also request up to 3 more concessions, based on the percentage and affordability of qualifying units, from the County. These regulatory incentives or concessions can be almost anything that result in identifiable and actual cost reductions for the development.

- Density bonuses of up to 35% are allowed.
- Density bonus units are exempt from affordability calculations.
- Affordable units must be subject to enforceable deed restrictions to ensure continued affordability.
 - For Sale – Restricted initial sales price plus equity sharing.
 - Rentals – 55-years

- Case law requires units subject to local affordability restrictions, such as inclusionary units, count towards density bonus affordable units.

Inclusionary Housing Ordinance Context:

There is no direct connection between the County’s Inclusionary Housing Ordinance, the County’s Density Bonus Ordinance, or the State Density Bonus Law. Savvy developers can, with minimal changes to their project can use the County’s Inclusionary Housing Ordinance to automatically receive a 20% increase in allowed units and 1 concession. The County’s Inclusionary Housing Ordinance applies a “waterfall” to fractional units so that fractional units are added to the next affordability level, e.g., a fractional very low-income unit is added to the low-income units.

For example, a 25-unit apartment would require 1.5 very low-income (6%), 1.5 low-income (6%), 2 moderate-income (8%) and 1.25 workforce units (5%). The application of the “waterfall” results in 1 very low-income unit (4%), 2 low-income units (8%), 2 moderate-income units (8%), 1 workforce unit, and 0.25 fractional units paid as an in-lieu fee. By voluntarily having the very low/low “waterfall” reverse, the project results in 8% of the units being very low-income and exceeding the 5% threshold to qualify for the density bonus. The project would gain 5 additional market rate units and qualify for one concession to offset the cost of the very low-income unit.

Policy Considerations:

None. The County is required to either adopt a Density Bonus Ordinance, which it has, or be subject to state density bonus law.

Affordable by Design/Range of Housing Types

Background:

Affordable by design is a planning concept that assumes certain types of housing and building styles are more affordable. Generally, the costs are reduced by requiring smaller lots, building common wall units, shared outdoor spaces, and minimal/no on-site parking. Accessory Dwelling Units, Junior Accessory Dwelling Units, and townhouses are examples of units that are traditionally thought of as affordable by design.

While the units may be affordable by design, developers are not required to sell the at “affordable” levels and will generally try to sell the units for the highest price the market will bear.

Inclusionary Housing Ordinance Context:

There is no direct link between Affordable by Design units the Inclusionary Housing Ordinance. The intent of the Inclusionary Housing Ordinance has been to create deed restricted units that are not subject to market pricing forces.

Policy Considerations:

Affordable by design projects without deed restrictions will satisfy the County’s Regional Housing Needs Allocation (RHNA) obligation to zone and permit affordable housing. For units to count towards the County’s RHNA, the County must demonstrate how the

unit affordability was determined. The “Gold Standard” when determining affordability is a recorded and enforceable deed restriction limiting the sales price or rent limit of the unit.

Determining Which Projects are Subject to Affordability Requirements by Jurisdiction

<u>Jurisdiction</u>	<u>Applicability</u>	<u>Applicable Project Threshold</u>	<u>Exempt Projects</u>	<u>Calculation Considerations</u>
City of Greenfield	All residential development requiring discretionary approvals and resulting in 5 or more units.	5 units	Remodels; Economic conditions; Low rental rates; Existing 20% concentration of affordable units within 0.5 mile.	Fractional units applied to lower income units.
City of King City	Residential development of 20 or more units.	20 or more units		
City of Marina	Residential development of 20 or more units & all occupied housing on Fort Ord.	20 or more units	Development <20 units	
City of Monterey	Residential development resulting in 6 or more units	6 units		
City of Salinas	Residential development resulting in 11 or more units.	11 units	Residential projects resulting in 10 or fewer units; residential development in Downtown Area; 100% affordable housing projects with minimum 30-year recorded restrictions.	>0.5 fractional unit rounded up to next whole unit <0.5 fractional unit rounded down to next whole unit
City of San Jose	Residential development with 20 or more new units	20 units		>0.5 fractional unit rounded up to next whole unit <0.5 fractional unit rounded down to next whole unit
City of Seaside	All residential development, including condominium conversion.			
City of Soledad	5 or more new residential units; or Commercial projects of 2,500 gross sq.ft. or more.	5 units or 2,500 sq.ft.	Residential and commercial projects that do not increase number of units by more than 4 or gross floor area by more than 2,500 sq.ft.	>0.5 fractional unit rounded up to next whole unit <0.5 fractional unit rounded down to next whole unit
County of Monterey	All Residential development resulting in 3 or more new units.	3 units	Development for Farm Workers (not defined) Mobile Home Parks Owner occupancy exemption possible for 3 unit projects Agricultural subdivisions	Fractional units applied to next affordability level, e.g. fractional very low-income unit is added to low-income unit obligation
County of San Benito	All Residential Development	11 units	Development for Farm Workers (not defined) Mobile Home Parks	
County of San Luis Obispo	Repealed March 15, 2022			
County of San Mateo	All Residential & Commercial Development, including remodels/additions over 1,500 new sq.ft.	All pay Affordable Housing Impact Fee Development with 5 or more are subject to Inclusionary Requirements	Projects subject to Inclusionary Housing Requirements are exempt from Affordable Housing Fee Residential development adding 1,500 sq.ft. or less of new Sq.ft. to existing dwellings. Development on public land, replace/repair disaster destroyed units	If on-site, then fractional units are waived.
County of Santa Cruz	All residential and commercial projects (incl additions/ remodels / replacements >500 sq.ft.) are subject to at least Affordable Housing Impact Fee	Ownership Residential Projects with 5 or more new units Rental Residential Project - incl ADUs		
City of Santa Cruz	All residential development proposing 2 or more new units, not including ADUs. Includes congregate and assisted living units.	2-4 residential units - Fee or 1 unit @ lower-income affordability.	SFD and ADU	<0.7 fractional unit - option to pay in-lieu or provide unit. >0.7 fractional unit - must provide unit.
	General Exemptions			
	Projects applied for prior to effective date of Ordinance.			
	Projects subject to separate development agreement with jurisdiction.			
	Replacement of demolished or destroyed units, some require reconstruction within set time of loss.			
	Market rate units allowed as density bonus.			

Other Compliance Requirements by Jurisdiction

<u>Jurisdiction</u>	<u>Construction Timing</u>	<u>Unit Specific Requirements</u>	<u>In-Lieu Fee Calculation</u>	<u>Other Considerations</u>
City of Greenfield	Receive certificates of occupancy concurrent with or prior to remainder of residential development.	Match or exceed the average number of bedrooms in development's market rate units.	20% of cost to develop average market rate unit in proposed development X number of affordable units.	
City of King City	Concurrent with market rate units. Phases require inclusionary units in same percentage represented by the phase.			
City of Marina City of Monterey		20% - low and/or moderate-income with distribution by affordability not specified		
City of Salinas	Permits for up to 70% of market rate units may be issued prior to 1st inclusionary unit. Units must be completed in proportion to market rate units.	Square footage and bathroom to bedroom ratios defined in Ordinance.	For-Sale - \$14.05 sq.ft. gross floor area Rental - \$2.40 sq.ft. gross floor area	
City of San Jose	Occupancy of 1 income restricted unit per 6 market rate units No more than 90% of market rate building permits issued or 90% of market rate units issued certificate of occupancy prior to 100% certificates of occupancy for inclusionary units.	Townhouse, row-house and multifamily inclusionary units "shall not be located so as not to create a geographic concentration of inclusionary units within the Residential Development." Bedroom counts and sq.ft. ratio same as market rate units.	For-Sale - No greater than difference between median sales price of an attached market rate unit in prior 36 months and affordable housing cost of household of 2.5 persons earning no more than 110% of AMI. Rental - No greater than average city subsidy for new construction rental residential unit affordable to lower-income household.	Off-site compliance requires minimum 20% inclusionary.
City of Seaside	Issue of permits and certificates of occupancy required prior to or concurrent with market rate units			1 very low-income unit = 2 moderate-income units. 1 low-income unit = 1.5 moderate-income units.
City of Soledad	Concurrent with market rate units unless Council agrees to different schedule.			
County of Monterey County of San Benito	Concurrent with market rate units. Concurrent with market rate units.	Must be at least 80% square footage of average market rate unit in project.		
County of San Luis Obispo County of San Mateo	Concurrent with market rate units. Phases require inclusionary units in same percentage represented by the phase.	Generally same size and exterior materials as market rate units. Bedroom count spread proportional to bedroom counts of market rate units (e.g. 50% of market is 2-bedroom, then 50% of inclusionary are 2-bedroom)	Average unit sq.ft. in project X County Building Valuation Table in use X inclusionary units required X applicable percentage of construction cost.	Reduce inclusionary requirements for units designated and constructed for disabled households that comply with CBC 1107A or units with 3 or more bedrooms.
County of Santa Cruz	Certificate of Occupancy for 1 income restricted unit per 6 market rate units with CoO.			
City of Santa Cruz	Issue of permits and certificates of occupancy required prior to or concurrent with market rate units	Minimum sq.ft. standards specified		ADUs are NOT counted as part of inclusionary calculation OR as an affordable unit satisfying obligation. May retain/transfer credits for up to 5-years from last certificate of occupancy of development qualifying for credits. Trigger for Council to consider reducing in-lieu fees by 20% due to market conditions. May allow fewer affordable units with more bedrooms than average unit in development.