

Housing Element Update

**Planning Commission and City
Council Joint Workshop**

September 19, 2023

Overview of Presentation

- Housing Element Process and Background
- Sites Inventory and Regional Housing Needs
- Needed Actions for 5th Cycle to Meet RHNA
- Housing Element Update, General Plan Amendment and Zoning Amendments
- Public Comments
- City Council and Commissioner Discussion
- Next Steps

Housing Element

- Required element of General Plan
- Must be updated every eight years
- Reviewed/certified by Department of Housing and Community Development (HCD)
- City Housing Element Update for 5th Cycle 2015-2023 and 6th Cycle 2023-2031

5th and 6th Cycle RHNA

Table 3.11-1 5th Cycle Housing Element RHNA Units

Income Category	5 th Cycle including 4 th Cycle Shortfall	Conservation Preservation	Rehabilitation	New Construction	5 th Cycle Total Units By Housing Type
Very Low (0-50% of AMI)	41	0	0	41	Combined Low and Very Low = 70
Low (51-80% of AMI)	29	0	0	29	
Moderate (81-120% of AMI)	5	0	0	5	Combined Moderate/ Above Moderate = 16
Above Moderate (more than 120% of AMI)	11	0	0	11	
Total Units	86	0	0	86	

Table 3.11-2 6th Cycle Housing Element RHNA Units

Income Category	Allocation by Cycle*		Totals by Income Category	New Construction ¹	Total Units By Housing Type	
	5 th Cycle including 4 th Cycle Shortfall	6 th Cycle				
Very Low (0-50% of AMI)	41	60	101	101	101	Combined Low and Very Low = 168
Low (51-80% of AMI)	29	38	67	67	67	
Moderate (81-120% of AMI)	5	24	29	29	29	Combined Moderate/ Above Moderate = 92
Above Moderate (more than 120% of AMI)	11	62	73	73	73	
Total Units	86	184	270	270***	270	

Basics

Housing Element

- Must have adequate zoning to meet housing needs (RHNA).
- Goals and policies to accommodate adequate housing for the entire community (all economic segments and special needs).
- The Housing Element does not require the city to provide funding or build housing units.

Regional Housing Needs Allocation (RHNA)

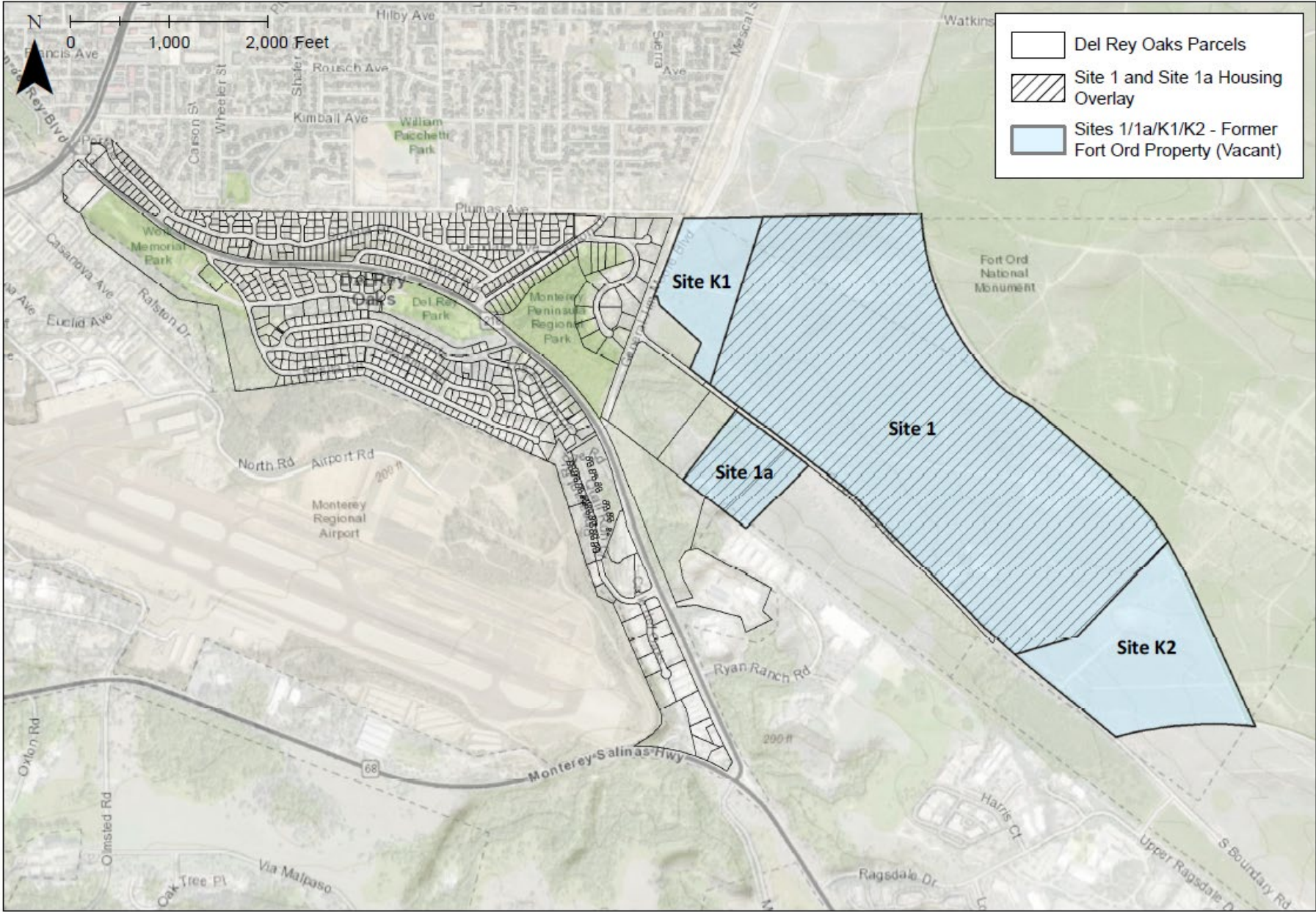
- City must plan for at least 86 units across all income ranges (City's share of the regional housing need for 5th Cycle).
- Currently there are not adequate residentially zoned vacant sites to meet our housing need.
- We will need to rezone sites in order to meet this requirement.

Housing: Sites Inventory

Sites Inventory

- Process to identify Housing Opportunity Sites Inventory began in 2019 and reaffirmed in 2023.
- Sites inventory found there is not adequate land zoned to accommodate residential development.
- HCD directed 5th Cycle Housing Element to Sites 1 and 1a in 2019/2020 and 2023.
- Council affirmed the sites and location (Sites 1 and 1a) for 5th Cycle in March 2023.

Housing Sites



*Focus is Sites 1 and 1a to meet City's share of the regional housing need (for 5th Cycle)

Path: E:\GIS\GIS_Projects\9614\Final_Products\Housing_Element\1516th_Cycle\Fig_1 - Housing Zone Overlay.mxd

HCD State Requirements for Compliance

Government Code 65584.09 and 65583(c)(1)

Once a determination has been made that an unaccommodated housing need exists, cities and counties must identify sites that are appropriately zoned or adopt and complete program to zone and/or rezone sites within the first year of the new planning period, to meet the unaccommodated housing need

HCD cannot find a jurisdiction's element in compliance until the required zoning or rezoning is complete and the element is amended to reflect conformance with the requirement.

City has amended the Housing Element for the 5th Cycle - HCD completed review of the document. The City is now ready to complete the required rezoning per HCD letter and requirements.

General Plan and Zoning Amendments/Actions

- Adoption of the Housing Element Update 5th Cycle
 - Approval of General Plan Amendment
 - Approval of Zoning Ordinance Amendment (rezoning)
 - Revision to Maps and Text
-
- Adding an Overlay District for Affordable Housing would amend the Land Use Map for the General Plan as well as the Zoning Ordinance

General Plan Amendments/Actions

Adopt Housing Element Update 5th Cycle

- Housing Element is one of the elements of the City's General Plan. Approval of the Housing Element Update is thus, an amendment to the City's General Plan.

Revisions to Land Use Designations of the General Plan, Land Use Element

- Adding an Overlay District for Affordable Housing would amend the Land Use Map for the General Plan as well as the Land Use Element

General Plan Amendment (Land Use)

An adequate supply of housing, and land zoned to accommodate future housing need, is an essential element of community sustainability.

Where sites are specifically identified in the Housing Sites Inventory of the current adopted Housing Element, residential use at the density specified within the Housing Element sites inventory shall be considered consistent with the following land use categories and shall be permitted at a density of minimum 20 units/acre to 25 units/acre.

Current General Plan Uses and Development within former Fort Ord

Table 3.11-3 Summary of City General Plan Land Uses and Development within the Fort Ord Reuse Plan Area per General Plan EIR

Proposed Land Use	Totals
Total Office Park/Conference Center	419,000 sf
Total Residential/Hotel*	526 units
Golf Acreage	155 Acres
Total Commercial/Retail	83,500 sf

Source: 1997 Del Rey Oaks General Plan Update Final EIR

* The General Plan identified five new units in the existing City and 521 hotel/visitor serving units.

Overlay Zoning Approach

Overlay Zoning

- Applicable only to sites in inventory under City ownership in former Fort Ord.
- An “overlay” is applied in addition to the existing zoning designation, in this case to allow residential and increase affordable potential.
- Purpose is to meet RHNA.

Key Parameters for Rezoning

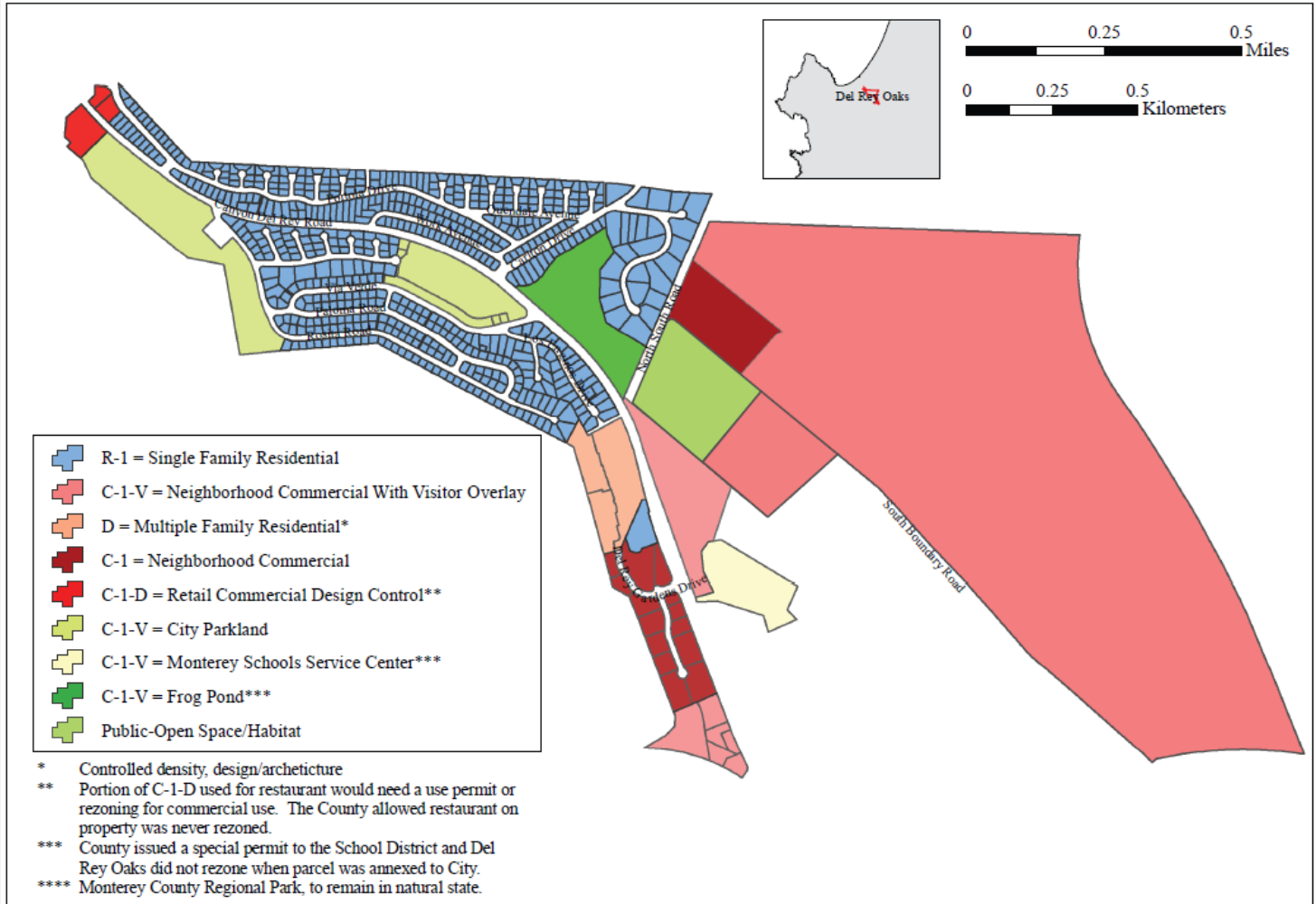
- Overlay zoning approach.
- Plan for required HCD densities (minimum 20 dwelling units per acre).
- Allow 35 feet, or 3 stories of height (similar to City’s R-2 zoning height limit).
- Design Review

Zoning Amendments

Affordable Housing Overlay

Adding Zoning Overlay District

to: Zoning Ordinance and Map



Zoning Map for the City of Del Rey Oaks

Zoning Amendment Overview

- The Housing Sites Overlay District would include an amendment to the City of Del Rey Oaks Municipal Code (new Chapter and correspondence amendments) and map amendment to apply the overlay designation.
- Purpose is to facilitate the development of affordable housing to meet RHNA.
- Applies to City owned Sites 1 and 1a - 5th Cycle Update
- Sites current base zoning for Sites 1 and 1a -- GC (C-1-V/O)
 - General Commercial with Visitor Overlay and Office Professional

Zoning Amendment would add an Overlay Zone specifically for Affordable Housing to meet RHNA (5th Cycle – 86 Units)

Zoning Amendments/Actions

Adopt Housing Element Update 5th Cycle

- Housing Element is one of the elements of the City's General Plan. Approval of the Housing Element Update is thus, an amendment to the City's General Plan.

Revisions to Land Use Designations of the General Plan, Land Use Element

- Adding an Overlay District for Affordable Housing would amend the Land Use Map for the General Plan as well as the Land Use Element

Zoning Ordinance

Chapter 17.90 – Residential Overlay Zone - Affordable Housing

The purpose and intent of the amendment is to facilitate housing opportunities within the community via implementation of required rezone programs pursuant to the City's adopted Housing Element where required for compliance with State Housing Element law.

Current Zoning Allowed Uses

C-1 District allows the following uses on former Fort Ord

- No Residential Uses Allowed in Current Zoning Classifications (unless conditional use permit).
- C-1 District:
 - Retail Stores (Bookstores, drug stores, restaurants, etc.)
 - Services (Banks, laundries, real estate and insurance offices, etc.)
 - Office and Professional
- Requires conditional use permit for conditional uses.
- Standards include 30 ft Maximum Height and Two Stories
 - ADUs - 15 ft Maximum Height and One Story

Current Zoning Commercial Uses

Current Visitor-Serving Zoning allows the following uses on former Fort Ord:

- Recreational Vehicle (RV) parks and other recreational related uses
- Clubhouses, gathering places, social halls, lodges
- Auxiliary uses to RV parks, clubhouses, gathering places, etc.
- All principally permitted uses in the C-1 district
- Current zoning allows, with a conditional use permit, inns or resort/conference hotel, and auxiliary uses to inn or resort/conference hotels.
- Office Professional Uses also allowed in area of Site 1
- Neighborhood Commercial

Current City Development Standards - Residential Zones

Table 4-1 Existing Development Standards for Residential Zones		
	Single Family Residential Districts (R-1) ¹	Multiple Family Residential Districts (R-2)
Permitted Uses	One- and two-family dwellings, schools, libraries, clinics, and nurseries/greenhouses with accessory buildings.	Two-family dwellings, dwelling groups, two-family flats, multiple family dwellings, hotels, clubs, lodges; automobile courts, automobile camps, and similar uses; all uses permitted in R-1 Districts. ²
Conditional Uses	Short-Term Rentals shall be permitted, after obtaining a conditional use permit from the Planning Commission. ³	
Lot Requirements		
Density	1-2 single family dwelling units per lot plus auxiliary unit allowed in lots sizes over 8,000 square feet. (sq. ft.)	2+ per lot depending on lot size.
Lot Size (min.)	6,000 sq. ft.	6,000 sq. ft.
Building Coverage	900 sq. ft. minimum (min.)	60% max
Yard Requirements		
Front (min. in feet)	20 ft. ⁴	20 ft. ⁴
Side (min. in feet)	Not less than 10% of the lot width but not less than 6 ft. ⁵	6 ft., except add 2 ft. for each story beyond the second story.
Rear	Not less than 20% of the depth of the lot, to a maximum depth of 20 ft.	Not less than 15 ft.
Height Requirements		
Building Height (max.)	30 ft. ⁶	35 ft.
Number of Stories (max.)	1.5	3
Additional Regulations		
Garage (min.)	288 sq. ft.	N/A
Parking	One space for each family unit; one space for each two guest rooms. Current code identifies one additional on-site parking space for an "Auxiliary Housing Unit".	One garage space for each family unit.

Source: City of Del Rey Oaks Zoning Ordinance, as amended.

¹ See below for discussion of the City's adopted accessory dwelling unit ordinance (Chapter 17.70 Accessory Dwelling Units) and parking requirements. See also:

https://library.municode.com/ca/del_rey_oaks/codes/municipal_code?nodeId=TIT17ZO_CH17.70ACDWUN

² Subject to securing a use permit for any use for which a use permit is required in an R-1 District.

³ Provided that in case a building line for the street upon which the lot faces is established by the street and highway plan of the master plan of the city, then the front yard shall have a depth of not less than that specified thereby.

⁴ Exceptions allowed subject to obtaining a conditional use permit from the Planning Commission.

⁵ Exceptions provided per code based upon lot size, layout and location.

⁶ Except as otherwise permitted.

Current Development Standards - Overlay Districts and Non-Residential Zones

Table 3-11.6 Development Standards for Overlay Districts and Non-Residential Zones

	Design (D) Overlay District	Commercial (C)	Neighborhood Commercial (C-1)	Special Treatment (ST)
Permitted Uses	Uses subject to securing a use permit ¹	Commercial use, residential, retail and wholesale businesses, automobile camps ² , power-driven machinery, outdoor advertising signage/structures	Restricted Commercial Use, business, and professional offices	Single-Family Residential and "multiple residences to the designated density;" Agricultural Use
Lot Requirements				
Density if applicable	Five (5) units per gross acre to a maximum of eighteen (18) units	-	-	Multiple density per the ST zone or as approved in ST use permit approval
Lot Size (min.)	14,000 sq. ft.	N/A	10,000 sq. ft.	5 acres
Building Coverage	50% max	N/A	N/A	Max determined by density designation
Yard Requirements				
Front (min. in feet)	20 ft.	N/A	35 ft.	N/A
Side (min. in feet)	7 ft., except add 2 ft. for each story beyond the first story ³	20 ft. ⁴	10 ft.	10 ft. along property line adjoining another ownership
Rear	15 ft. ⁵	10 ft. ⁴	15 ft.	20 ft. along rear property line adjacent to another ownership
Height Standards				
Building Height (max.)	35 ft.	35 ft.	30 ft.	N/A
Number of Stories (max.)	3.5 ⁶	3	2 ⁶	N/A
Additional Regulations				
Parking	1.75 spaces for each studio, one bedroom and two-bedroom dwelling unit; 2 spaces for each dwelling unit of three bedrooms or larger.	N/A	1 space for each single family and detached guest house dwelling unit.	1.75 spaces for each studio, one bedroom and two-bedroom dwelling unit; not less than 2 spaces for each dwelling unit of three bedrooms or larger.
^{1,2} Subject to securing a use permit in each case. ³ Where any multiple dwelling has a rear entry opening into a side yard, side yard min. is 9 ft. and dwelling fronts min. 20 ft. ⁴ In cases of C District property bordering an R District ⁵ Except as otherwise provided for accessory buildings. ⁶ No accessory building shall exceed either 15 ft. or one story in height.				

Development Regulations under Overlay Zone

Development Regulations under New Overlay Zoning District would add to allowable uses and provide specific development regulations.

Uses

- Allowable Residential use exclusively for Affordable Housing to meet RHNA

Density and Height Limitations

- Minimum Density 20 dwelling units per acre
- Maximum height of 35 feet
- Maximum three stories.
- **Design Standards – can be applied**

Zoning Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS, CALIFORNIA, TO ADD PROVISIONS TO THE DEL REY OAKS MUNICIPAL CODE RELATED TO AFFORDABLE HOUSING AND CONSISTENCY WITH STATE LAW

WHEREAS, California State law requires that all local governments adopt a Housing Element as one of the seven mandated elements of the General Plan; and

WHEREAS, the State of California requires that all local governments adequately plan to meet the housing needs and to accommodate the City's Regional Housing Needs Allocation (RHNA). The RHNA plan is prepared by the Association of Monterey Bay Area Governments (AMBAG) and establishes the total number of housing units the City must plan for within an eight-year planning period. The amount of housing units is determined by the California Housing and Community Development Department's (HCD) housing need assessment; and

WHEREAS, the City has evaluated land use and zoning opportunities and constrains to determine ways to best implement the goals and policies of the general plan housing element and provide the opportunity and means for Del Rey Oaks to meet its regional fair share allotment of affordable units, while at the same time balancing community safety, needs and resources.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Del Rey Oaks, California as follows:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The City of Del Rey Oaks adopts the text set forth below, which shall be added as Chapter 17.90 to the City of Del Rey Oaks Municipal Code as follows:

Chapter 17.90 – Residential Overlay Zone Affordable Housing

Section 17.90.010: Purpose and Intent

The purpose and intent of the Housing Element Implementation Overlay Zone is to facilitate housing opportunities within the community via implementation of required rezone programs pursuant to the City's adopted Housing Element where required for compliance with State Housing Element law. This chapter contains requirements for overlay zones applicable to residential uses and affordable housing for residential areas. The purpose of this chapter is to establish standards and regulations and define specific areas appropriate for overlay zones. Certain standards may be in addition to the requirements of the underlying base zoning district. [Click or tap here to enter text. Choose an item.](#)

Choose an item. **Section 17.90.020: Definition of Overlay Zone**

“Overlay zone” means an additional zoning district as shown on the zoning map that prescribes special regulations to a parcel in combination with the base zoning district. [Choose an item.](#)

Section 17.90.030: Affordable Housing (OZ-AH) Overlay Zone

- A. Purpose. The purpose of the affordable housing (OZ-AH) is to facilitate the provision of affordable housing units through the construction of new affordable units within land not currently zoned for residential uses. The OZ -AH overlay zone is intended to:
 1. Implement the goals and policies of the general plan housing element and provide the opportunity and means for Del Rey Oaks to meet its regional fair share allotment of affordable units.
 2. Encourage the provision of affordable housing through the combination of the OZ-AH overlay within an area where an affordable housing project in sufficient numbers to meet the RHNA and provide affordable housing for the current housing cycle is determined to be feasible and consistent with the general plan and Housing Element.
- B. Applicability. The OZ-AH overlay zone is applied to a specific area. The overlay zone is applied to the area north of South Boundary Road and east of General Jim Moore within City owned property (identified as Sites 1 and 1a of the former Fort Ord area in the 5th Cycle Housing Element).
- C. Definitions.
 1. “Affordable housing” means housing capable of being purchased or rented by a household with “very low,” “low,” or “moderate” income levels at an “affordable housing cost” or “affordable rent,” as those terms are defined by the state of California.
 2. “Affordable housing overlay district” means a zoning district that applies in addition to existing zoning designation where the city encourages the provision of affordable housing units as described in this chapter.
 3. The “very low,” “low,” and “moderate” income levels are defined by the state of California in Sections [50105](#), [50079.5](#), and [50093](#), respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900. These income levels are:
 - a. Very Low Income. Up to and including fifty percent of the Monterey County median income, adjusted for family size, as defined by the state law;
 - b. Lower Income. Fifty-one percent to eighty percent of Monterey County median income, adjusted for family size, as defined by the state law;
 - c. Moderate Income. Eighty-one percent to one hundred twenty percent of Monterey County median income, adjusted for family size, as defined by state law.

Next Steps

- Review and Consider Public Comment.
- Draft Zoning Text Amendment Revisions – Review.
- Review by Planning Commission and City Council.
- Public Noticing/Public Hearings at Planning Commission –
 - Next Meeting October 11, 2023.
- Public Meetings City Council.
 - October 17 or 18, 2023 Special Meeting.
 - October 24, 2023 Regular Meeting.
- Submittal to HCD to Confirm Completion of Local Approvals – October 25 or 26, 2023.
- Final Certification by HCD – By December 15, 2023.

Q&A

Timeline for Completion of the Housing Element – 5th Cycle

Milestone	Timeline
5th Cycle Housing Element Update	
PC and CC Workshops and Updates for Housing Element Continue Outreach - Policies/Programs/Schedule	March - May 2023
Revised Draft Element - Complete	April 2023
Required HCD 60-day review	May-June 2023
Planning Commission and City Council Meeting(s)	May-September 2023
HCD review complete - No Changes	July 2023
EIR out for 45-day review	August - September 2023
Public meetings/workshops	August - September 2023
Planning Commission Hearings on Draft Element/Rezoning	September October 2023
City Council Hearings Draft Element/Rezoning	October 2023
Housing Element Submittal to HCD and compliance review letter	October - December 2023