

# Northern News

NORTHERN SECTION, CALIFORNIA CHAPTER, AMERICAN PLANNING ASSOCIATION

## Focus on Occupancy Standards: Key State Legislation

by Diana Elrod, AICP

SEPTEMBER 1996

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MUNICIPAL PLANNING

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Although much of the hot legislation facing planners in California is addressed each month in Sande George's column in the *California Planner*, I would like to talk more in depth about a concern facing many planners—both governmental and advocacy—that of the move by some locales to adopt more stringent occupancy standards for housing.

Because of some high-profile court cases in California over the past few years, some cities have attempted to push through legislation that would limit the number of people who could live in a dwelling unit. Many of these bills seem responses to extreme cases of overcrowding, in which cities were required to allow ten or more people to live in a house that was intended to be occupied by three or four people.

Some proposals have required that only those rooms specifically intended to be used as bedrooms could count towards the number of persons who could legally occupy a dwelling unit. Others have proposed standards that, while less stringent, would still reduce the number of people who could live in a unit.

The problem with these proposals is that the definition of overcrowding is not constant. It varies depending on the type of housing assistance program and the source of funding involved. Two primary occupancy standards currently apply to California jurisdictions. State law allows two people to occupy 70 square feet of space, plus one more person for every additional 50 square feet of space. In a hypothetical two-bedroom home, using a

living room as an additional legal bedroom, a family of seven (two adults, two grandparents, and three children) could reside legally. The Housing Quality Standards (HQS), the federal occupancy standards that apply to projects receiving federal funding, require that only two persons are permitted for every bedroom, but that rooms not built as bedrooms can be used as such if they are at least 70 square feet in area and have a closet and a window. Under this standard, six people could occupy this residence. If only those rooms that were specifically designed and intended to be used as bedrooms could be counted as sleeping areas, only four people would be allowed to occupy the hypothetical house.

Obviously, the need to control occupancy is an important issue, not only for the protection of the residents living in these units, but also for the burdens placed on a city's delivery of services. One can appreciate the problems faced by some communities when confronted with the impacts of overcrowding. As planners, it is our job to ensure that "the public good"—however we want to define it—is preserved.

It is also important, however, that planners recognize the impacts of these proposals. While there are positives to be attained with more local control, there are several concerns that may make such changes undesirable. First, restrictions on occupancy may make it impossible for large families to find housing. There is an insufficient supply of large family rental housing, with very few four-bedroom units and practically no five-bedroom units available.

(continued on page 4)

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## DIRECTORS COLUMN

by Steve Noack, AICP, Past Director

As the job market heats up in the Bay Area, so does the demand for housing. We are hearing stories of people out-bidding each other for rental units in Palo Alto, and have you lately checked the dwindling numbers of available apartments in the San Francisco newspapers? To meet the demand for housing, developers are dusting off plans and working with local planning agencies to get their projects approved. Much of this housing, according to national statistics, is in the form of multiple-unit dwellings which increased in July 1996 over July 1995, while building permits for single family units declined.

With organizations as diverse as the Greenbelt Alliance and Bank of America emphasizing the need for infill development over urban sprawl, much of the vacant or underutilized industrial land around the Bay Area is the focus of redevelopment initiatives which emphasize mixed-use development, including multiple family housing. The term "brownfields" is becoming a common term to describe this land which was formerly industrial or heavily commercial and where hazardous waste contamination is likely to be present. Regulatory agencies such as the EPA, the Department of Toxic Substances Control, and the Regional Water Quality Control Board have developed innovative policies to address clean-up of brownfields (where clean-up levels are based), in part on future land use plans. This "risk-based" approach to expensive site remediation recognizes that human exposure levels vary depending on the planned land use and on the soil and groundwater characteristics of a specific area.

As planners, we should take the time to fully understand the principles of risk-based site evaluations to facilitate residential and mixed-use development on brownfields. Mitigation measures, conditions of approval, and development agreements all need to reflect stakeholder concerns while allowing for innovative development and reuse of valuable urban lands. Courses on brownfield development are offered through U.C. Extension programs, and seminars are held throughout the Bay Area through different organizations, such as the Peninsula Industrial Business Association, the Urban Land Institute, and others. Urban planners should add the principles of brownfield development to their "toolboxes," learn about risk-based land use decision making, and facilitate development of multi-unit housing where it belongs.

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## **NSCCAPA Holiday Party**

Mark your calendars today! The Northern Section's annual holiday party will be held on Thursday, December 5, at the San Francisco City Club. The holiday party is always an excellent opportunity to catch up with your colleagues in a relaxed social setting. Information regarding registration and other details will be provided in the next two newsletters. If you have any questions contact Phil Woods at (510) 238-6986.

## **UCB Extension Fall Planning Courses**

The Extension Program at the University of California, Berkeley, will offer a series of one and two-day classes this October and November that are of particular interest to planners looking to learn more about new interests or refresh old ones. Below is a list of courses and dates:

- Introduction to GIS in Land Use Planning** . . . . . October 4
- Subdivision Map Act Advanced Seminar** . . . . . October 10
- Using CEQA in Project Approval Process** . . . . . October 25-26
- Environmental Law III: Complex Projects & CEQA** . . . . . November 1-2
- Erosion Control and Land Restoration** . . . . . November 8
- Planning Law and Legal Processes** . . . . . November 15-16
- Historic Preservation for Planners** . . . . . November 9
- AICP Exam Prep. Workshop**  
5 days starting . . . . . December 7

The classes will be held at either the UC Extension Center at 150 Fourth Street in San Francisco or at Oakland City Center, 1333 Broadway. For more information or to register, call (510) 642-1111.

## **NEPA Workshops**

The University of California at Santa Cruz will offer two one-day NEPA workshops this autumn. The workshop is designed for individuals with all levels of NEPA experience, focusing on case studies of federal actions requiring NEPA review. Seasoned NEPA veterans will share the lessons they have learned to help NEPA neophytes sharpen their skills. UC Santa Cruz says this is the only one-day NEPA workshop in the area.

- Date:** September 26 in Santa Clara  
November 8 in Monterey
- Locations:** UCSC Extensions in Santa Clara and Monterey  
(Fort Ord)
- Cost:** \$135
- Contact:** (415) 974-1221 or  
(800) 660-8639

The Bulletin Board section of the Northern News is intended to provide a forum for individuals to provide the membership with information about events or current topics. If you would like to submit an item for the Bulletin Board section, contact the Newsletter Editor at (510) 227-4362.

# Occupancy Standards ...

(continued from page 1)

Second, families live in overcrowded situations for several reasons; some economic, some cultural. To legislate occupancy for any reason other than safety to occupants may infringe upon their civil rights. While an Assemblyman, now Mayor Willie Brown introduced legislation that would have relaxed the current occupancy standards on the basis that these standards discriminate against certain populations.

Third, while recent proposals on this issue included provisions that would eliminate retroactive implementation of this measure to avoid the extreme displacement that could result, some increased code enforcement activity would be needed to monitor the number of people moving into these units. It is unclear how cities would monitor or, in light of current economic constraints, pay for such provisions.

Fourth, legislation of this type would result in inconsistencies similar to those caused by Proposition 13, because cities would be compelled to enforce different occupancy standards for tenants who have lived in a building for many years and for those who move in after such a bill's adoption. People living in the same apartment complex could be subject to different standards.

Although there may be occasions in which existing law either permits more persons in a unit that perhaps should reasonably be living there, or creates an expensive relocation obligation for the city to incur, the concern about overburdening city

services must be balanced against the equally compelling concern of contributing further to homelessness and displacement.

Recent studies have shown that while one measure of crowding—persons per room—has been a standard for many years, the determination of overcrowding is a subjective one that varies over time. One such study, "The Changing Problem of Overcrowded Housing" (Dowell Myers, et al. JAPA, Winter 1996, pp. 66-84), documents how "overcrowding" has been defined, what contributes to overcrowding, and what the policy implications are for these findings. The authors argue that since ethnicity, age, immigration, and poverty play important roles in the issue of overcrowding, any solutions to the problem

must take these factors into consideration. The authors assert:

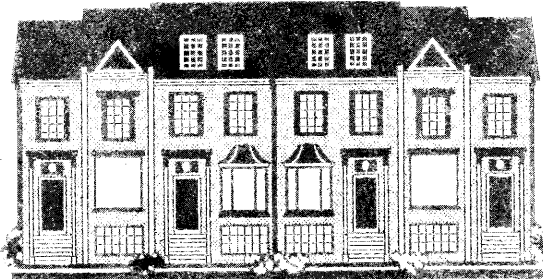
The dynamics of what causes overcrowding are largely unknown.

Instead, past social

science research has focused largely on the effects of overcrowding. . . . [T]he issue of overcrowding exemplifies the current perplexities about imposing a particular middle-class, majority standard in an evolving, multiethnic society (p. 66).

Clearly, there is room for discussion of this controversial issue. I encourage other planners with different viewpoints to contact me for discussion (408-277-2862) or to perhaps submit a response article for a future issue of the *Northern News*!

*Diana works for the City of San Jose Department of Housing.*



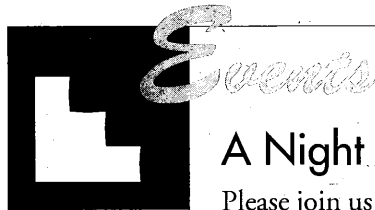
## JOBS

### Planning and Redevelopment Manager

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The City of Ventura, an oceanside community located 60 miles north of Los Angeles, is seeking a Planning and Redevelopment Manager. Ventura is a full service city with an annual operating budget of approximately \$113 million and 645 full-time employees. The new manager will report to the Community Services Director and will be responsible for redevelopment, planning, CDBG, and housing. Candidates should be seasoned professionals with significant redevelopment experience in a mature urban community. In addition, candidates should have a high level of competence in all areas of planning, as well as proven leadership and consensus building skills. The City offers an attractive management benefit package. There is a brochure available upon request; telephone 805-654-7853. Submit resume and cover letter with current salary and three work-related references by October 4, 1996, to Human Resources Department, City of Ventura, P.O. Box 99, Ventura, California, 93002.



## A Night at the Ballpark

Please join us on Wednesday, September 25 for a night with the San Francisco Giants. Dean Macris, former Planning Director for San Francisco and currently the consulting planner for the Giants organization, will lead a presentation on the development of the downtown baseball stadium. The program will focus on the challenges of the stadium design and the land use issues that will need to be addressed before the project is approved. We hope to have the stadium model on display for your viewing as well as representatives from the Giants organization to share their vision for the stadium project.

Date: September 25, 1996

Time: 6 p.m. food and beverages.  
6:30 - 8 p.m. program

Location: S.F. AIA Office, 130 Sutter Street, San Francisco

Cost: \$10

Access: Montgomery BART, Parking at Sutter/Stockton garage

RSVP: NSCCAPA voicemail  
(415)281-0195

## Professional Development Workshop

The California Planning Foundation will conduct its annual professional development workshop during the annual California Chapter APA conference this October in Palm Springs. The half-day program offers planners the chance to refresh their planning skills in areas such as site planning, grading, landscape design, architecture, urban design, and fiscal impact analysis. CPF says that the workshop is for both new planners and more experienced professionals.

Date: October 2, 1996

Time: 1:00 p.m. to 5:00 p.m.

Location: Wyndham Hotel, Palm Springs

Cost: \$35 in advance, \$45 at door, \$10 for students, \$10 for each additional registrant from the same firm/agency

To Register: Register for the workshop when you register for the CCAPA Conference. Registration forms are available in the *California Planner* or by calling (916)736-2434.

## Tour of New Housing Trends

Ken Norwood, Director of the Shared Living Resource Center, will lead a tour of three innovative and successful housing solutions, the N Street Cooperative in Davis, and the Sacramento Street CoHousing and Parker Street Cooperative in Berkeley. The tour is intended for planners, architects, lenders, and developers, and is touted as a great opportunity to visit successful examples of urban reuse housing that are also environmentally sustainable. The all-day tour includes lunch in Davis prepared with food from the N Street's community gardens.

Date: September 26, 1996

Time: 9:30 a.m. to 4:30 p.m.

Location: Starts at 9:30 in Davis; concludes in Berkeley at 4:30

Cost: \$60 per person

RSVP: By September 20 to 510-841-5731

## Infill Housing Symposium

How do communities overcome barriers to infill housing? What can we learn from successful infill projects? Come to the symposium on "Housing Solutions for Silicon Valley: Towards a Balanced Community." Anthony Downs of the Brookings Institute and William Fulton, noted planning author will be the keynote speakers. Other speakers and panel discussions will offer strategies and methods to overcome barriers and to develop successful projects, using case studies of affordable and market rate infill developments. An optional tour of different types of infill housing developments will follow the symposium. The event is sponsored by the Santa Clara County Housing Action Coalition, the Santa Clara Valley Manufacturing Group, the Greenbelt Alliance, the NSCCAPA, and other organizations.

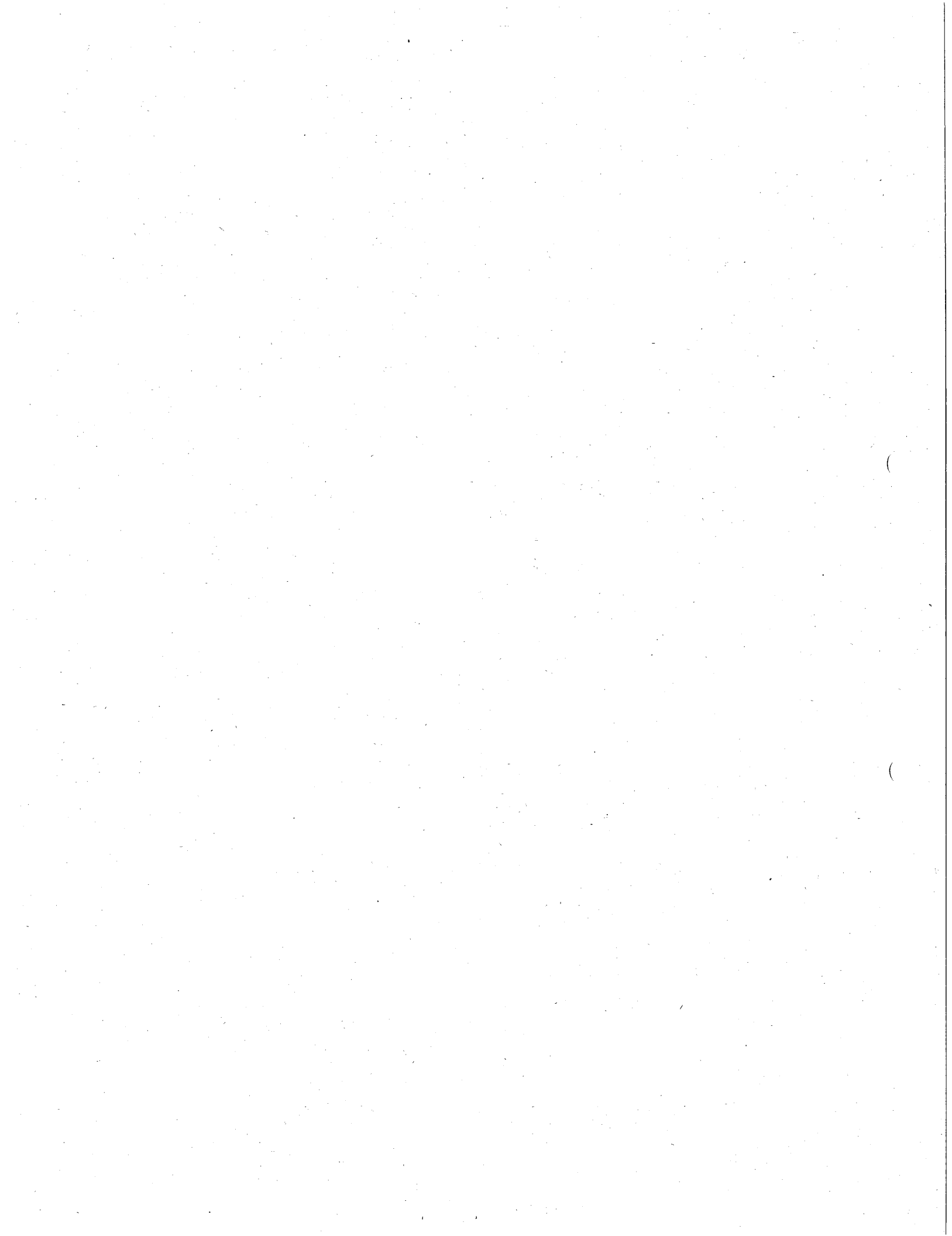
Date: October 23, 1996

Time: 8:00 a.m. registration; symposium and lunch 9:15 a.m. - 1:30 p.m.

Location: San Jose State University Student Union Ballroom, Downtown San Jose

Cost: \$65 by October 9; \$75 thereafter (includes materials and lunch) \$15 tour surcharge

Telephone: 408-496-6801 for information or registration



## NSCCAPA Welcomes 48 New AICP Members

The Northern Section of the California Chapter of the American Planning Association is proud to announce four dozen new members of the American Institute of Certified Planners (AICP). This represents over three times as many of any other section and nearly half of the state chapter's total. They all received passing scores on last year's annual examination.

They are:

Sydney Lee Austin, Walnut Creek  
 Melissa W. Ayres, Walnut Creek  
 James R. Bergdoll, Jr., San Francisco  
 Julie C. Bondurant, San Jose  
 Marucia Carvalho Britto, Novato  
 Ann M. Clevenger, Bay Point  
 James M. Cunradi, El Cerrito  
 Douglas Donaldson, Albany (EIR Consultant)  
 Melissa B. Duryea, San Francisco  
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 Anne T. Henny, San Francisco  
 Roger Hooson, Oakland  
 Curtis E. Johnston, Fairfield  
 Darryl M. Jones, San Jose  
 J. Kevin Keck, Oakland  
 Douglas C. Kim, Pacific Grove  
 Marjorie R. LaBar, Dublin  
 Mimi Liem, Richmond  
 Philip G. Mader, Portola Valley  
 Joanne Manson, Emeryville  
 Lynn Melena, Palo Alto

Both the national and state chapter pass rate was 71.3%; the Northern Section pass rate of 85% tied with the San Diego Section. Candidates who took the Northern Section workshops at Cal Trans Oakland and UC Davis Extension had a pass rate of over 90%, which is consistent with previous years.

Congratulations to the new members!

Colette Meunier, Berkeley  
 Sandra Meyer, Pleasant Hill  
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 David D. Morrow, Ukiah  
 Lori Ann Neff, Sunnyvale  
 Irene M. Nishimura, San Francisco  
 Ikechukwu Emmanuel Nnaji, Dublin  
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 Parke Patterson, Pleasant Hill  
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 Kim Seidler, Upper Lake  
 Chi-Hsin Shao, Piedmont  
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 Louis Robert Ulibarri, Hoopa  
 James Conrad Walgren, Santa Cruz  
 Eileen P. Whitty, Richmond  
 Scott Gilmour Whyte, Walnut Creek

The Commentary section of the newsletter is intended to provide a forum for members to express their views relative to planning related topics, or to express an opinion relative to articles printed in this newsletter. If you would like to submit an article, contact the Newsletter Editor at (510) 227-4362.

## Doesn't anyone work in this town?

by Steve Mattarazzo, AICP

One of the fringe benefits of working for a coastal California municipality like Sand City is the chance to travel to the numerous venues where the California Coastal Commission holds its monthly meetings. One of the most intriguing meeting places is Santa Barbara.

Santa Barbara is the epitome of a coastal resort community, where one has to wait in line at a downtown cafe, at, say, three in the afternoon—on a weekday. The downtown is then packed with beautiful people strolling along, enjoying the sunny day. After queuing up for several purchases along the main street, made conspicuous by my (absence of) beauty, I'll finally think to myself, in a mental tantrum mixed with frustration, amazement, and, above all, jealousy, "Doesn't anyone work in this town?"

The answer is both yes and no. Many people in Santa Barbara, like in other coastal and resort communities, work at night in occupations supported by the tourist industry. Further, a large segment of the pedestrians along the promenade are students that "work"

(or study), but can and do create their own hours for relaxation based on their course schedules. And of course there are the tourists, working only to have fun. The last group of "non-workers" are the retired, which we can further subdivide into categories of retirees and "wealthy retirees." It is the latter classification of lounge lizard that is most annoying to me. These are the people of the cafe society, often in their 30s and 40s, that regularly take up parking places, restaurant seats, and roadway capacity when I expect things to be uncrowded, but there they are.

Places like Santa Barbara have it all, and sometimes (like after having a work week that included three night meetings and getting beaten up at a Coastal Commission hearing) it is just too much. I recall that the Mattarazzo family is one of the wealthiest in Brazil. Perhaps I'll call the Mormons' archives in Salt Lake City to ask them to investigate my family tree. I'm ready for some aimless strolling and a heavy diet of espresso! Ciao.

*Steve Mattarazzo is the Community Development Director for Sand City.*





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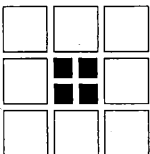
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**NORTHERN SECTION CALENDAR**

**September**

- 25 A Night at the Ball Park
- 26 Tour – New Housing Trends

**SEPTEMBER**

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

**October**

- 2 Professional Development Workshop
- 23 Infill Housing Symposium



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