



Item No. 13 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: THE HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

**FROM: LISA COSTA SANDERS, TOWN PLANNER
NEAL MARTIN, PLANNING CONSULTANT**

DATE: MARCH 15, 2017

**SUBJECT: ACCEPT THE 2016 ANNUAL REPORT TO THE CITY COUNCIL ON THE
ATHERTON GENERAL PLAN IMPLEMENTATION AND AUTHORIZE ITS
TRANSMITTAL TO HCD**

RECOMMENDATION

Accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC).

BACKGROUND

The State of California Government Code 65400 et seq requires the preparation of an annual report to the local legislative body, the California Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD) describing the following:

1. The status of the local general plan and progress in its implementation.
2. The progress in meeting its share of regional housing needs.
3. The degree to which the local general plan complies with the adopted OPR guidelines.
4. The date of the last revision to the local general plan.

2016 ANNUAL REPORT

Status of the Atherton General Plan and Progress in its Implementation

The Atherton General Plan was updated in 2002 and adopted by the City Council on November 20, 2002. It contains Land Use, Circulation, Housing, Open and Conservation, Noise, and Community Safety Elements. The Housing Element Update 2014-22, which is the only element required to be

reviewed by HCD, has been found to be “in compliance” with the HCD review criteria. The Atherton City Council adopted the 2014-2022 Housing Element Update on March 18, 2015.

Atherton is essentially built out in accordance with the policies stated in the General Plan. The Sphere of Influence as adopted by the San Mateo Local Agency Formation Commission is coterminous with the current City Limits. Essentially all of the existing parcels of land have been developed with land uses consistent with the General Plan. All of the streets and highways described in the General Plan are developed to their planned capacity. The entire infrastructure needed to serve the planned land uses and population is in place with sufficient capacity to accommodate the planned land uses and population.

Progress in meeting Atherton’s Share of Regional Housing Needs

CGC Section 65400(a)(2)B provides: “The housing element portion of the annual report ... shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development ...” The tables provided in Attachment 1 describe the progress made in meeting Atherton’s share of regional housing needs.

Degree to which the Atherton General Plan complies with the Adopted OPR Guidelines

OPR adopted General Plan Guidelines in 2003 for use by local jurisdictions in the preparation of their general plans. The Guidelines are permissive, not mandatory and are quite extensive. Staff has prepared an analysis of the Atherton General Plan compared to the general criteria included in the Guidelines along with an evaluation of the degree to which the Atherton General Plan complies with the OPR Guidelines. That analysis is provided in Attachment 2. The analysis shows that the Atherton General Plan is in substantial compliance with the adopted OPR Guidelines with a few exceptions. The Planning Commission is expected to hold a public hearing and consider amendments to eliminate those exceptions in the near future.

Date of the Last Revision to the Atherton General Plan

The last revision to all elements except the Housing Element of the Atherton General Plan was adopted by the City Council on November 20, 2002. The 2014-2022 Housing Element Update was adopted on March 18, 2015.

POLICY FOCUS

The State of California Government Code 65400 et seq requires the preparation of an annual report to the local legislative body, the California Governor’s Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD). Review and submittal of this Report satisfies that requirement. There are no significant policy issues for consideration.

FISCAL IMPACT

All costs associated with this project are paid for by the Town of Atherton from the Contract Planner

budget.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,600 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

1. Annual Housing Element Progress Report – Tables A – C
2. Analysis of Atherton General Plan with OPR Guidelines

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction Atherton
 Reporting Period 1/1/2016 - 12/31/2016

Table A
Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

| Housing Development Information | | | | | | Housing with Financial Assistance and/or Deed Restrictions | | Housing without Financial Assistance or Deed Restrictions | | | |
|--|---------------|-------------------------------|------------------------------------|------------|-----------------|--|-------------------------|---|--|---|---|
| 1 | 2 | 3 | 4 | | | | 5 | 5a | 6 | 7 | 8 |
| Project Identifier (may be APN No., project name or address) | Unit Category | Tenure R=Renter O=Owner | Affordability by Household Incomes | | | | Total Units per Project | Est. # Infill Units* | Assistance Programs for Each Development See Instructions | Deed Restricted Units See Instructions | Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions. |
| | | | Very Low-Income | Low-Income | Moderate-Income | Above Moderate-Income | | | | | |
| New Units | SFD | O | | | | 26 | 26 | | | | |
| Demo Units | SFD | O | | | | -21 | -21 | | | | |
| Second Units | 2nd DU | R | 5 | 3 | 2 | | 10 | | | 2nd Unit Survey | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| (9) Total of Moderate and Above Moderate from Table A3 ▶▶ | | | | | 0 | 0 | 0 | | | | |
| (10) Total by income Table A/A3 ▶▶ | | | 5 | 3 | 2 | 5 | 15 | | | | |
| (11) Total Extremely Low-Income Units* | | | | | | | | | | | |

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Atherton
Reporting Period 1/1/2016 - 12/31/2016

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

| Activity Type | Affordability by Household Incomes | | | | (4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1 |
|-----------------------------------|------------------------------------|-----------------|------------|-------------|---|
| | Extremely Low-Income* | Very Low-Income | Low-Income | TOTAL UNITS | |
| (1) Rehabilitation Activity | | | | 0 | |
| (2) Preservation of Units At-Risk | | | | 0 | |
| (3) Acquisition of Units | | | | 0 | |
| (5) Total Units by Income | 0 | 0 | 0 | 0 | |

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

| | 1. Single Family | 2. 2 - 4 Units | 3. 5+ Units | 4. Second Unit | 5. Mobile Homes | 6. Total | 7. Number of infill units* |
|--|------------------|----------------|-------------|----------------|-----------------|----------|----------------------------|
| No. of Units Permitted for Moderate | | | | | | 0 | |
| No. of Units Permitted for Above Moderate | | | | | | 0 | |

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction Atherton
Reporting Period 1/1/2016 - 12/31/2016

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

| Enter Calendar Year starting with the first year of the RHNA allocation period. See Example. | | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | | Total Units to Date (all years) | Total Remaining RHNA by Income Level |
|--|---------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------------------------------|--------------------------------------|
| Income Level | RHNA Allocation by Income Level | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | | |
| Extremely & Very Low | Deed Restricted | 35 | | | | | | | | | | 24 |
| | Non-deed restricted | | 6 | 5 | | | | | | | 11 | |
| Low | Deed Restricted | 26 | | | | | | | | | | 20 |
| | Non-deed restricted | | 3 | 3 | | | | | | | 6 | |
| Moderate | Deed Restricted | 29 | | | | | | | | | | 24 |
| | Non-deed restricted | | 3 | 2 | | | | | | | 5 | |
| Above Moderate | | 3 | 1 | 5 | | | | | | | 6 | -3 |
| Total RHNA by COG. Enter allocation number: | | 93 | | | | | | | | | | |
| Total Units ▶ ▶ ▶ | | | 13 | 15 | | | | | | | 28 | 65 |
| Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶ | | | | | | | | | | | | |

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Atherton
Reporting Period 1/1/2016 - 12/31/2016

Table C

Program Implementation Status

| Program Description (By Housing Element Program Names) | Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element. | | |
|--|--|----------------------|---|
| Name of Program | Objective | Timeframe in H.E. | Status of Program Implementation |
| §3.612 Market Rate Housing Construction | 3 New Above Market Units | 2015-22 | Five new units constructed this year. Market has limited construction to reconstruct approximately 1 unit for each demolished unit. |
| §3.621 Second Dwelling Unit Program | 40 New Moderate to Extremely Low Income Units | 2015-22 | 10 Second Units Moderate to Extremely Low Income units constructed in 2015. |
| §3.631 Faculty and Student Housing Program | 27 New Faculty Units and 63 New Student Units in extremely low to moderate income ranges | 2015-22 | Market failed to construct any faculty or student units during this year. |
| §3.641 Continue to facilitate and expedite the rehabilitation and conservation of existing units | On-going permit issuance | 2015-22 | Over 50 permits issued this year for improvement, rehabilitation and conservation of existing units. |
| §3.651 Housing opportunities for handicapped and low and moderate income and homeless | Enforce UBC regulations for handicapped access | 2015-22 | On-going program |
| §3.661 Meeting the needs of seniors | Enforce UBC regulations for handicapped access, support conservation of senior housing | 2015-22 | On-going program |
| §3.671 Non-discrimination in housing | Eliminate discrimination in housing to the extent feasible through Town actions | 2015-22 | On-going program |

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Atherton
Reporting Period 1/1/2016 - 12/31/2016

General Comments:

Analysis of Atherton General Plan (AGP) with Adopted Office of Planning and Research (OPR) Guidelines

February 15, 2017

| OPR Guideline Requirement (to the extent that it is relevant)¹ | Reference or Comment | Degree of Compliance |
|--|--|-----------------------------|
| Contains all 7 mandatory elements | AGP contains Land Use, Circulation, Housing, Open Space and Conservation, Noise and Community Safety Elements. | Full |
| Plan is integrated and internally consistent | All elements include a section entitled “Relation to Other Elements” describing how each is integrated and internally consistent. | Full |
| Land Use Element | | |
| Contains a Land Use Diagram in sufficient detail to describe land use proposals | AGP contains a Land Use Diagram with sufficient detail to describe land use proposals. Pg. LU-8 | Full |
| Shows distribution of housing, business and industry | AGP Land Use Diagram shows proposed residential, parks, open spaces, public facilities and schools uses. Business and industry are not permitted in Atherton. Pg. LU-8 | Full |
| Distribution of open space including agriculture | AGP Land Use Diagram shows proposed open space uses. There is no agricultural land in Atherton. Pg. LU-8 | Full |
| Distribution of mineral resources | There are no mineral resources in Atherton. | N/A |
| Distribution of recreation facilities and opportunities | AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-4-5, and the Open Space and Conservation Element, pg. OS-70-72 describe the distribution of recreation facilities and opportunities. | Full |

¹ Language from the OPR Guidelines.

| | | |
|--|--|------|
| Location of education facilities | AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-6 describe the location of education facilities. | Full |
| Location of public buildings and grounds | AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-5-7 describe the location of public buildings and grounds. | Full |
| Location of solid and liquid waste facilities | The Land Use Element text, pg. LU-6-7 describes the location of solid and liquid waste facilities. | Full |
| Identification of areas subject to flooding | The Land Use Element text, pg. LU-7 identifies areas subject to flooding. | Full |
| Identification of Timber Preserve Zone lands | There are no Timber Preserve Zone lands in Atherton. | N/A |
| Contains standards for population intensity and building intensity | The Land Use Element text, pg. LU-2-3 contains standards for population intensity and building intensity. | Full |
| Circulation Element | | |
| Contains definitions and descriptions of: | | |
| Major thoroughfares | The Circulation Plan Diagram, pg. LU-8 and the Circulation Element text, pg. CI-9-11 define and describe major thoroughfares; freeways, highways, minor arterials, collectors, local streets and street standards. | Full |
| Transportation routes | The Circulation Plan Diagram, pg. LU-8 and the Circulation Element text, pg. CI-9-15 defines and describes transportation routes. | Full |
| Terminals | The Circulation Element text, pg. LU-13, defines and describes the local rail terminals. | Full |
| Other local public utilities and facilities including railroads, airports and parking. | The Circulation Element text, pg. CI-12-15 defines and describes scenic roadways, transit and rail traffic, bicycle and pedestrian facilities. There are no airports close to Atherton. | Full |

| | | |
|---|---|------|
| Housing Element | | |
| See Attachment 1 | | |
| Open Space and Conservation Element | | |
| The Conservation Element should address water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. | There are no rivers, harbors, fisheries or commercial mineral resources in Atherton. The AGP Open Space and Conservation Element text, pg. OS-71 addresses protection of scenic resources, significant stands of natural vegetation, wildlife habitat, sensitive environmental resources (e.g. streambeds), and archaeological resources. | Full |
| The Open Space Element should address open space for the preservation of natural resources, for the managed production of resources, for outdoor recreation and for public health and safety. | AGP Open Space and Conservation Element text, pg. OS-70-72, the Land Use Diagram, pg. LU-8 and the Land Use Element text, pg. LU-4-5 address open space for the preservation of natural resources, for the managed production of resources, for outdoor recreation and for public health and safety. | Full |
| The Open Space Element should contain an open space action program | AGP Open Space and Conservation Element text, pg. OS-71-72 contains an Open Space Action Program. | Full |
| Noise Element | | |
| Issues to be addressed include: | | |
| Major noise sources, both mobile and stationary | AGP Noise Element text, pg. N73-75 describes the major community noise sources. | Full |
| Existing and projected levels of noise and noise contours for major noise sources | AGP Noise Element diagram, pg. N-80 provides existing and projected noise contours for major noise sources. | Full |
| Existing and projected land uses and locational relationship to existing and projected noise sources | AGP Noise Element text, pg. N73-75 describes the existing and projected land uses | Full |

| | | |
|--|---|-------------------|
| | and locational relationship to existing and projected noise sources | |
| Existing and proposed sensitive receptors, including hospitals, convalescent homes, schools, churches and sensitive wildlife habitat | Existing and proposed sensitive receptors are not addressed in the AGP Noise Element | Not in Compliance |
| The extent of “noise problems in the community” | AGP Noise Element text, pg. N73-75 describes the extent of “noise problems in the community” | Full |
| Method of noise attenuation | AGP Noise Element text, pg. N76-78 describes noise mitigation measures. | Full |
| Implementation measures and possible solutions that address existing and foreseeable noise problems | AGP Noise Element text, pg. N76-78 describes implementation measures and possible solutions that address existing and foreseeable noise problems | Full |
| Community Safety | | |
| Issues to be addressed include: | | |
| Seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure | AGP Community Safety Element text, pg. CS-82 addresses seismically induced surface faulting, ground shaking, ground failure and water waves (seiche). Tsunami is not a hazard in Atherton since the Town does not border on the Bay or Ocean. Dam failure is not addressed. | Substantial |
| Slope instability leading to mudslides and landslides | Slope instability is not addressed in the AGP Community Safety Element. | Not in compliance |
| Subsidence, liquefaction, and other seismic hazards identified on seismic hazard maps | Neither subsidence nor liquefaction is addressed in the AGP Community Safety Element. | Not in compliance |
| Flooding | There are no flood zones in Atherton | N/A |
| Wildland and urban fires | AGP Community Safety Element text, pg. CS-81 addresses major fire incidents. | Full |

| | | |
|-------------------------------------|--|-------------------|
| Evacuation routes and signage | AGP Community Safety Element text, pg. CS-82-83 addresses evacuation routes. Route signage is not addressed. | Partial |
| Peak load water supply requirements | AGP Community Safety Element text, pg. CS-81 addresses peak load water supply requirements. | Full |
| Minimum road widths and turnouts | AGP Circulation Element text, pg. CI-12 addresses minimum road widths. | Full |
| Clearances around structures | Clearances around structures are not addressed in the AGP Community Safety Element. | Not in compliance |