



Legislation Text

File #: 22-492, **Version:** 1

FROM:

Heidi Scoble, Planning Director

SUBJECT:

Review the Public Draft 6th Cycle Housing Element and Approve by Motion the Submittal of the Draft to the California Department of Housing and Community Development

RECOMMENDATION

Approve by motion the submittal of the Public Draft 6th Cycle Housing Element to the California Department of Housing and Community Development (HCD) for review at the close of the 30-day public review period ending on January 12, 2023. Prior to submittal to HCD, allow staff to make the following changes to the document if necessary:

1. Changes responding to Town Council feedback on January 10, 2023
2. Non-substantive changes responding to public input received by January 12, 2023.

If there are no changes to the document, as required by HCD, the final draft may be submitted to HCD 10-days after the close of public comment, on January 22, 2023.

BACKGROUND

The Housing Element is one of seven mandatory elements that must be included in the Town of San Anselmo's General Plan. The Housing Element outlines goals, policies, implementation programs, and quantified objectives that will plan for the housing needs of all segments of San Anselmo's population. The Housing Element serves as San Anselmo's blueprint for meeting the housing needs of its residents at all economic levels and addressing segments of the population with special housing needs. Unlike other mandatory General Plan elements, the Housing Element is required to be updated every eight years and must be reviewed and certified by the California Department of Housing and Community Development (HCD).

State law does not require municipalities to construct new housing units; however, local governments must plan for and demonstrate adequate sites to satisfy their share of projected housing needs for all economic segments of the community, known as the Regional Housing Needs Assessment or "RHNA". HCD determines the total number of housing units necessary for each region in California over an 8-year period, which are then allocated to each individual jurisdiction by the regional government association. For the current Housing Element cycle the Association of Bay Area Governments (ABAG) has allocated San Anselmo a total of 833 housing units, divided by various income levels.

The Housing Element is required to include:

- Assessment of the unique characteristics of the San Anselmo's population and households
- Inventory of sites pursuant to California Government Code Section 65583, which establishes the content requirements of a Housing Element (*see Attachment 2*). Additionally, consistent with Government Code Section 65583.2, HCD has published a memorandum regarding a Housing Element Site Inventory Guidebook that details the requirements for the Town's inventory of residential sites to accommodate the RHNA (*see Attachment 3*). Noted above, the Town's RHNA allocation for Cycle 6 is 833 Units. Lastly, the 6th Cycle Housing Element will for the first time, address Affirmatively Furthering Fair Housing (AFFH) requirements (*see Attachment 4*). AFFH is a set of federal and state laws which require jurisdictions to combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, lift barriers that restrict access to foster inclusive communities, achieve racial equity, and guarantee fair housing choice.

In 2022, the Town began the 6th Cycle Housing Element Update process. In May 2022, the Town Council approved a Professional Services Agreement for Houseal Lavigne to help prepare the Draft Housing Element and update the Safety Element. In June 2022, the Town Council established the Housing Element Advisory Committee (HEAC) and appointed two councilmembers, one planning commissioner and four residents. Prior to the release of the Public Draft Housing Element, there have been two community workshops (July 21, 2022 and August 25, 2022), the HEAC has conducted five public meetings (July 11, 2022, July 21, 2022, September 1, September 26, 2022, and November 3, 2022), and the Town Council received an update and confirmed the Housing Opportunity Sites on October 11, 2022. Town Staff has also participated in two community pop-up events (On the Avenue (October 14, 2022) and the Goblin Spooktacular (October 28, 2022)).

On December 12, 2022 the Public Draft Housing Element was released. The Public Draft was made accessible on the Town of San Anselmo homepage and the Town's Housing Element Update website. A town-wide postcard was mailed to all residents informing them of the release of the Public Draft Housing Element and providing information about submitting comments.

On December 15, 2022, the HEAC conducted a public meeting to receive a presentation from staff, accept public comment, and provide a recommendation to the Town Council regarding the Public Draft Housing Element. The comments from the HEAC included a request to ensure the Housing Element will address ownership equity to facilitate making home ownership more realistic (e.g., consideration of a down payment assistance program) and recommended the draft document move forward to the Town Council for consideration.

On December 19, 2022, the Planning Commission conducted a public meeting to receive a presentation from staff, accept public comment, and provide a recommendation to the Town Council regarding the Public Draft Housing Element. The Planning Commission unanimously recommended the Town Council consider the adoption of the Draft Housing Element as proposed. A member of the public also provided public comment requesting that the existing R-1 Housing Opportunity Sites proposed to be rezoned to either R-2 and R-3 not be permitted and that the existing R-3 densities remain at 20 units to the acre instead of the proposed 30-units to the acre. The public comment received was focused on the following Housing Opportunity sites between Tamalpais Avenue to the North, Ross Avenue to the South, San Anselmo Avenue to the East and Sunnyside Avenue to the West (refer to Appendix B of the Public Draft Housing Element): 24, 25, 32, 33, 34,

35, 36, 37, 38, 39, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, and 56.

DISCUSSION

The San Anselmo Public Draft Housing Element has been written to include eight sections that cover topics required by State law, in addition to two appendices to reflect public participation and a Map Book to show the Housing Opportunity Sites. Specifically, the Public Draft Housing Element includes the following:

- 1. Section 1: Introduction.** Provides an overview of the purpose and requirements of a Housing Element, key housing terms, sources of housing data, consistency with the San Anselmo General Plan, public participation overview, and a review of the Cycle 5 past performance.
- 2. Section 2: Housing Needs and Constraints Executive Summary.** Overview of Housing Needs discussed in Section 3 and Housing Constraints discussed in Section 4.
- 3. Section 3: Housing Needs.** Examines demographic, employment and housing trends and conditions and identifies existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities, female-headed households, employee housing, and people of diverse social and economic backgrounds).
- 4. Section 4: Housing Constraints.** Analyzes and recommends remedies for existing and potential governmental and nongovernmental barriers to housing development.
- 5. Section 5: Housing Resources.** Identifies a list of federal, state, and local programs to achieve the policies, programs, and actions listed in the Housing Element, in addition to opportunities for energy conservation.
- 6. Section 6: Housing Opportunities.** Identifies existing and opportunity sites for housing development or redevelopment to ensure there is adequate land zoned for housing to meet the future need at all income levels.
- 7. Section 7: Affirmatively Furthering Fair Housing.** Provides an analysis of existing fair housing and segregation issues and includes a plan to address any identified disparities in housing needs, displacement, or access to opportunity.
- 8. Section 8: Policies, Programs, and Actions.** Identifies an Action Matrix with coordinated policies, programs, and actions to reduce barriers to housing and promote a variety of housing types and levels of affordability throughout the community. The Action Matrix identifies the Town lead, time frame, and quantifiable metrics for each action to ensure the Town is held accountable for Housing Element Implementation.
- 9. Appendix A: Public Participation.** Includes past presentations at various public meetings and community workshops, summary of the community responses to an Accessory Dwelling Unit (ADU) Questionnaire (March through May 2022) prepared for both owner and residents, and a Housing Element

Community Feedback Form (October through November 2022).

10. Appendix B: Map Book. Identifies 170 Housing Opportunity Sites, realistic capacity, existing units, and new net units that could be developed.

Staff is requesting the Town Council review the public draft and provide staff with any comments or recommended changes that can be incorporated into the final draft.

Additionally, the Town Council is required to consider public comment received during the Draft Housing Element's 30-day public review period. The Town has received two public comments, which are included below for the Council's consideration. As explained below, staff does not recommend modification of the Housing Element in response to these public comments.

First, Public Comment was received regarding the proposed Housing Opportunity Sites requesting less density. Housing Opportunity Sites are shown in the spreadsheet (**see Attachment 5**) that includes three tables that are sorted by Site, Street Name, Realistic Density/Acre, and Existing Density by Zoning. In summary, the public comment relates to 62 residential lots, 35 of which will have a "Realistic Density/Acre" of less than 20 units/acre, 11 lots would have a density of 20 units/acre, and 16 lots would have more than 20 units/acre.

Existing zoning density for the subject Housing Opportunity Sites would allow for 69 additional units and there are currently 71 existing units. The proposed rezoning included in the Public Draft Housing Element would result in an increase of 103 new units (of the 833 allocated RHNA units) for a total of 174 units in the subject area.

After respectful consideration of the public comment, staff suggests the increase in units included in the Public Draft Housing Element is reasonable given the location and proximity to public transportation and services; therefore staff does not recommend any changes to the Draft. Staff also notes that because the Housing Element focuses on policies, programs, and actions that include a strong emphasis on maintaining the Town's small-town character, ambiance, and visual and aesthetic qualities, developmental changes to the surrounding area would be consistent with the tenets of the General Plan's Land Use Goals.

Second, the Town received public comment regarding proposed actions to facilitate home ownership equity, such as providing a down payment assistance program. Home ownership equity is important to the Town. However, since any down payment assistance program will be a cost to the General Fund, staff suggests that this discussion occur at a later date outside of consideration of the Housing Element. Also, the Public Draft Housing Element includes policies to further affordable housing such as Policy 5, Eliminate Barriers to the Development of Market Rate and Affordable Housing", and Program 5.5, Establish an Affordable Housing Impact Fee Program (AHIFP). The purpose of the AHIFP is to levy a fee upon the construction of new above-market housing development to create a funding mechanism to subsidize or offset certain construction costs for affordable housing. Staff estimates that the proposed AHIFP will be presented to the Town Council in Fall 2024.

FISCAL IMPACT

The fiscal impacts associated with the Housing Element Update include the preparation of the Housing Element by the consultant, Houseal Lavigne, in the amount of \$283,453 (May 10, 2023, Town Council

approval) and staff time.

GENERAL PLAN CONSISTENCY

The Housing Element Update is intended to bring elements of the General Plan into conformance with State law.

ENVIRONMENTAL REVIEW

Consideration of the Public Draft Housing Element and direction to staff to submit to HCD for review is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378 as it does not constitute a “project”.

CONCLUSION

Next steps will include the incorporation of Town Council direction and public comments received into the final Draft Housing Element to be sent to HCD for the legally required 90-day review. The Housing Element will then be brought back to the Town Council.

ATTACHMENTS

1. Draft Housing Element
2. Government Code Section 65583
3. Housing Element Site Inventory Guidebook
4. Affirmatively Furthering Fair Housing
5. Residential Density Analysis in Response to Public Comment
6. Public Outreach Post Card