



## Item No. 11 Town of Atherton

### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

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

**FROM: NEAL J. MARTIN, TOWN PLANNER**

**DATE: MAY 21, 2014**

**SUBJECT: 2013 ANNUAL REPORT TO THE CITY COUNCIL ON THE ATHERTON  
GENERAL PLAN IMPLEMENTATION**

#### **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 | FINDINGS**

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.

#### **2013 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 Space and Conservation, Noise, and Community Safety Elements. The Housing Element Update 2007-14, 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 Housing Element Update in accordance with State law on August 18, 2010 by adopting Resolution No. 10-45.

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.

The Housing Element update 2014-2022 is currently being drafted for consideration by the Planning Commission and City Council in 2014.

### **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.

Staff drafted several amendments to the General Plan in order to achieve full compliance with the adopted OPR Guidelines. The project was placed "on hold" as several Master Plans were contemplated that could necessitate General Plan revisions. The Master Plans currently under preparation that may require amendments to the General Plan to ensure consistency include; the Pedestrian and Bike Master Plan, Civic Center Master Plan, the Drainage Master Plan and the Park Master Plan. The Planning Commission is expected to conduct public hearings and consider the amendments, including Master Plans, for recommendation to the City Council during 2014.

### **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 Housing Element Update was adopted August 18, 2010.

### **FISCAL IMPACT**

All costs associated with this project are paid for by the Town of Atherton from the Planning budget.

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**      1/1/2013 - 12/31/2013

**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 (Attached)	SFD	O				34	34	34			
Demo. Units	SFD	O				-38	-38	-38			
Second Units	2nd DU	R	1				1	1			2nd Unit Survey
(9) Total of <b>Moderate and Above Moderate</b> from Table A3 ▶▶			0			34	34				
(10) Total by income Table A/A3 ▶▶			1			30	31	-3			
(11) Total <b>Extremely Low-Income</b> Units*											

\* Note: These fields are voluntary

## ANNUAL ELEMENT PROGRESS REPORT

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**Reporting Period**      1/1/2013 - 12/31/2013

**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 <b>Moderate</b>						0	
No. of Units Permitted for <b>Above Moderate</b>						34	

\* Note: This field is voluntary

## ANNUAL ELEMENT PROGRESS REPORT

### *Housing Element Implementation*

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**Jurisdiction**      Atherton  
**Reporting Period**      1/1/2013 - 12/31/2013

**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.		2007	2008	2009	2010	2011	2012	2013	2014		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		
Very Low	Deed Restricted	19										12
	Non-deed restricted		1	-7		5	7	1			7	
Low	Deed Restricted	14										14
	Non-deed restricted											
Moderate	Deed Restricted	16										16
	Non-deed restricted											
Above Moderate		34	1	0	(4)	(4)	(2)	0	(4)		(11)	45
Total RHNA by COG. Enter allocation number:		83										
Total Units   ▶▶▶			1	1	(11)	(4)	5	7	(3)		(4)	87
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** 1/1/2013 - 12/31/2013

**Table C**

**Program Implementation Status**

Program Description (By Housing Element Program Names)	<b>Housing Programs Progress Report - Government Code Section 65583.</b> 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
§3.811 Market Rate Housing Construction	5 New Above Market Units	2007-14	No net new units constructed this year. Market has limited construction to reconstruct 1 unit for each demolished unit.
§3.812a-d. Second Dwelling Unit Program including guest houses and internal living quarters	52-80 New Extremely Low to Moderate Income Units	2007-14	14 Second Units constructed since 2007. Construction increased as a result of zoning ordinance changes.
§3.812e. Faculty and Student Housing Program	27 New Faculty Units and 58 New Student Units in extremely low to moderate income ranges	2007-14	Market failed to construct any faculty or student units during this year.
§3.813a. Continue to facilitate and expedite the rehabilitation and conservation of existing units	On-going permit issuance	2007-14	Over 50 permits issued this year for improvement, rehabilitation and conservation of existing units.
§3.821a. Amend Zoning Ordinance to specify that residential care facilities are permitted by right in the R-1A & R-1B Districts	Zoning Ordinance Amendment	6/30/2010	Zoning Ordinance was amended in 2009
§3.822a. Continue to review new residential developments and major remodels for ADA compliance	On-going permit issuance	2007-14	On-going program
§3.824a. Establish a zone per requirements fo SB2 related to emergency shelters	Amend Zoning Ordinance to allow emergency shelters by right	6/30/2010	Zone established with zoning ordinance amendment in 2009
§3.824b. Amend Zoning Ordinance to clarify that supportive and transitional housing are permitted by right in the residential districts	Zoning Ordinance Amendment	6/30/2010	Zoning Ordinance was amended in 2009
§3.831b. Amend Zoning Ordinance to clarify that "manufactured housing" is permitted by right in the residential districts	Zoning Ordinance Amendment	6/30/2010	Zoning Ordinance was amended in 2009
§3.841a. Shared Housing Program implemented by the Human Investment Program	Continued placement of renters with willing providers	2007-14	One renter has been placed in one Atherton home. Address is confidential

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

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

Jurisdiction      Atherton  
Reporting Period      1/1/2013 - 12/31/2013

**General Comments:**

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

February 12, 2014

<b>OPR Guideline Requirement (to the extent that it is relevant)<sup>1</sup></b>	<b>Reference or Comment</b>	<b>Degree of Compliance</b>
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
<b>Land Use Element</b>		
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
Location of education facilities	AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-6 describe the	Full

<sup>1</sup> Language from the OPR Guidelines.

	location of education facilities.	
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
<b>Circulation Element</b>		
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
<b>Housing Element</b>		
See Attachment 1		

<b>Open Space and Conservation Element</b>		
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
<b>Noise Element</b>		
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 and locational relationship to existing and projected noise sources	Full
Existing and proposed sensitive receptors, including hospitals,	Existing and proposed sensitive receptors are	Not in

convalescent homes, schools, churches and sensitive wildlife habitat	not addressed in the AGP Noise Element	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
<b>Community Safety</b>		
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	Full

	requirements.	
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