



# Town of Atherton

## 2023-2031 Housing Element

City Council

July 19, 2023

# Staff Recommendation

Review and recommend **potential multi-family housing sites** and land use strategies to include in the **project description** for the 6th Cycle Housing Element.

# Background

- 18 months of public meetings
- 3rd public draft
- +1000 pages of public comment
- Triggers requirement to adopt Zoning Code changes by January 31, 2024
- Results in combined CEQA approach
- Need for Project Description to start CEQA
- Next steps to address HCD comments
- Council requests workshop
- Affirmatively Furthering Fair Housing and Needs Analysis
- Site Selection Process

# AFFH & Needs Analysis

## 1968 Fair Housing Act

*“Proactively take meaningful actions to overcome patterns of segregation, **promote fair housing choice**, eliminate disparities in housing-related opportunities, and foster inclusive communities that are free from discrimination.”*



## California AB 686 (2018)

*“taking meaningful actions that, taken together, address significant disparities in housing needs and in **access to opportunity**, replacing segregated living patterns with truly integrated and balanced living patterns...”*



## HCD Comments

*“(The Town’s) conditions and circumstances warrant significant and robust actions (not limited to RHNA) to **promote housing mobility** and **increasing housing choices and affordability** throughout and beyond the Town..”*

# Key Fair Housing Definitions

## Fair Housing Issue

- A condition in a geographic area of analysis that restricts fair housing choice or access to opportunity and includes such conditions as ongoing local or regional segregation or lack of integration, racially or ethnically concentrated areas of poverty or affluence, significant disparities in access to opportunity, disproportionate housing needs, and evidence of discrimination or violations of civil rights law or regulations related to housing.

## Fair Housing Choice

- Requiring that individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, disability or other protected characteristics.

# Potential Fair Housing Issues

Town identified as a **racially concentrated area of affluence** that deviates from regional trends.

Town is **predominately** zoned for, and developed with, **single family homes**.

Multi-family housing on private school sites **limit residential eligibility** to persons with institutional affiliation.

ADUs, limited in size, coupled with no other low-income housing options, **limit housing choices for low-income households**.

# Multi-Family Housing Workshop



# Local Control

## Compliance *\*Current Recommended Strategy\**

- Requires identification of multi-family housing sites. The more sites evaluated in the CEQA process; the more sites Council has available to consider when narrowing their final selection.
- Protects against Builder's Remedy.
- Includes development of Objective Design Standards, which function as local control in State-mandated ministerial processes.

## Litigation

- Multiple ongoing lawsuits between State and local jurisdictions, which are farther in the Housing Element process. Town is continuing to monitor the outcome of those disputes.
- The Town and consultants are continuing to monitor the outcome of these disputes.

# Multi-family Site Identification Process

## DEVELOPMENT POTENTIAL:

- Identify vacant, underdeveloped, residentially zoned, or local agency owned sites
- HCD encourages lots between 0.5 – 10 Ac

## INFRASTRUCTURE AVAILABILITY:

- Sufficient water, sewer, and dry utilities (energy, gas, phone, etc.) availability and accessibility to support development

## AFFH:

- Identify sites that distribute lower income RHNA housing units throughout a community, provide access to community resources (schools, jobs, parks, etc) and facilitate integration within the community.

## RHNA INCOME CATEGORIES (BEST PRACTICES):

- Proximity to transit, available infrastructure and utilities
- Access to high-performing schools and jobs, amenities, health care facilities and grocery stores
- Locational scoring criteria for Low-income Housing Tax Credit (TCAC) Program funding
- Sites that do not require environmental mitigation.
- Presence of development streamlining processes, environmental exemptions and other development incentives.

# Programs to Support AFFH

## Multi-family Zoning

- Replaces Single-Family Zone with Multi-Family Zone
- Number of lower income inclusionary units dependent on the maximum density
- Income level of affordable units to be determined by inclusionary housing policy

## Multi-family Housing Overlay

- Retains single-family zoning but provides incentives for multi-family development with specific parameters
- Overlay requirement could include the Town's inclusionary policy or goal-specific provisions

## SB-10 Program

- State law that allows City to zone any parcel to be up to 10 dwelling units; in addition to two ADUs and two Junior ADUs
- Retains single-family zoning while providing density and housing at multi-family scale. Facilitates consideration of 0.5 acre parcels.

# Potential Multi-Family Sites ★

## Factors Supporting & Challenging Development

- Location along 1 or more major roads
- Proximity to Transit (SamTrans & Caltrain)
- Proximity to Services (Target & Trader Joe's)
- Proximity to Schools (Laurel, Encinal, Las Lomitas, M-A)
- Proximity to Amenities (Town Hall, Parks, Libraries)
- Size of property (0.3 to 1.7 acres)
- Vacant sites
- Age of existing development (approx. 1940-1959)
- Owner interest

## City Council Selection

- More sites evaluated under CEQA provides greater range of selection later in the process.
- Easier to add sites to CEQA now to avoid delays



# Potential Multi-family Sites: Data

*Table 1: Multi-Family Sites at Varying Densities*

Site No.	Address	Size (Acres)	Number of Units				
			SB-10*	10 du/ac	15 du/ac	20 du/ac	30 du/ac
1	2 Selby Lane	0.33	5	3	5	7	--
2	8 Selby Lane	0.37	5	4	6	7	--
3	89 Victoria Dr.	0.32	5	3	5	6	--
4	99 Victoria Dr.	0.30	5	3	5	6	--
5	97 Santiago Ave.	1.43	10	14	21	29	--
6	290 Polhemus Ave.	1.7	10	17	26	34	--
7	999 Ringwood Ave.	0.90	9	9	14	18	27
8	352 Bay Rd.	0.92	9	9	14	18	28
9	318 Bay Rd.	0.94	9	9	14	18	28
10	296 Bay Rd.	0.93	9	9	14	19	28

\*For Atherton, SB-10 assumes 5 dwelling units for parcels that are between 0.30 and 0.50 acres, with one additional unit every tenth of an acre up to 0.99 acres, and 10 units for parcels of 1 acre or greater.

# Next Steps

## CEQA

- Refine Project Description
- Commence Environmental Studies

## Objective Design Standards

- Identify Sites for Analysis
- Public Outreach

## Zoning Code Changes

- Draft Zoning Code Amendments

## Housing Element Revisions

- Complete additional analysis requested by HCD
- Revise Housing Element

## TIMELINE OBJECTIVES

**Adoption Hearings:  
Late Fall – End of 2023**

**Housing Element Adoption:  
November 2023**

**Zoning Ordinance Deadline:  
January 31, 2024**

Thank you



# Background

Jan. 31,  
2023

Town adopts  
Housing  
Element and  
submits to  
State

- 18 months of public meetings
- 3rd public draft
- +1000 pages of public comment

April 4,  
2023

HCD reviews  
and provides  
comments  
on Housing  
Element

- Triggers requirement to adopt Zoning Code changes by January 31, 2024
- Results in combined CEQA approach

May 17,  
2023

Council  
receives  
summary of  
HCD  
comments

- Need for Project Description to start CEQA
- Next steps to address HCD comments
- Council requests workshop

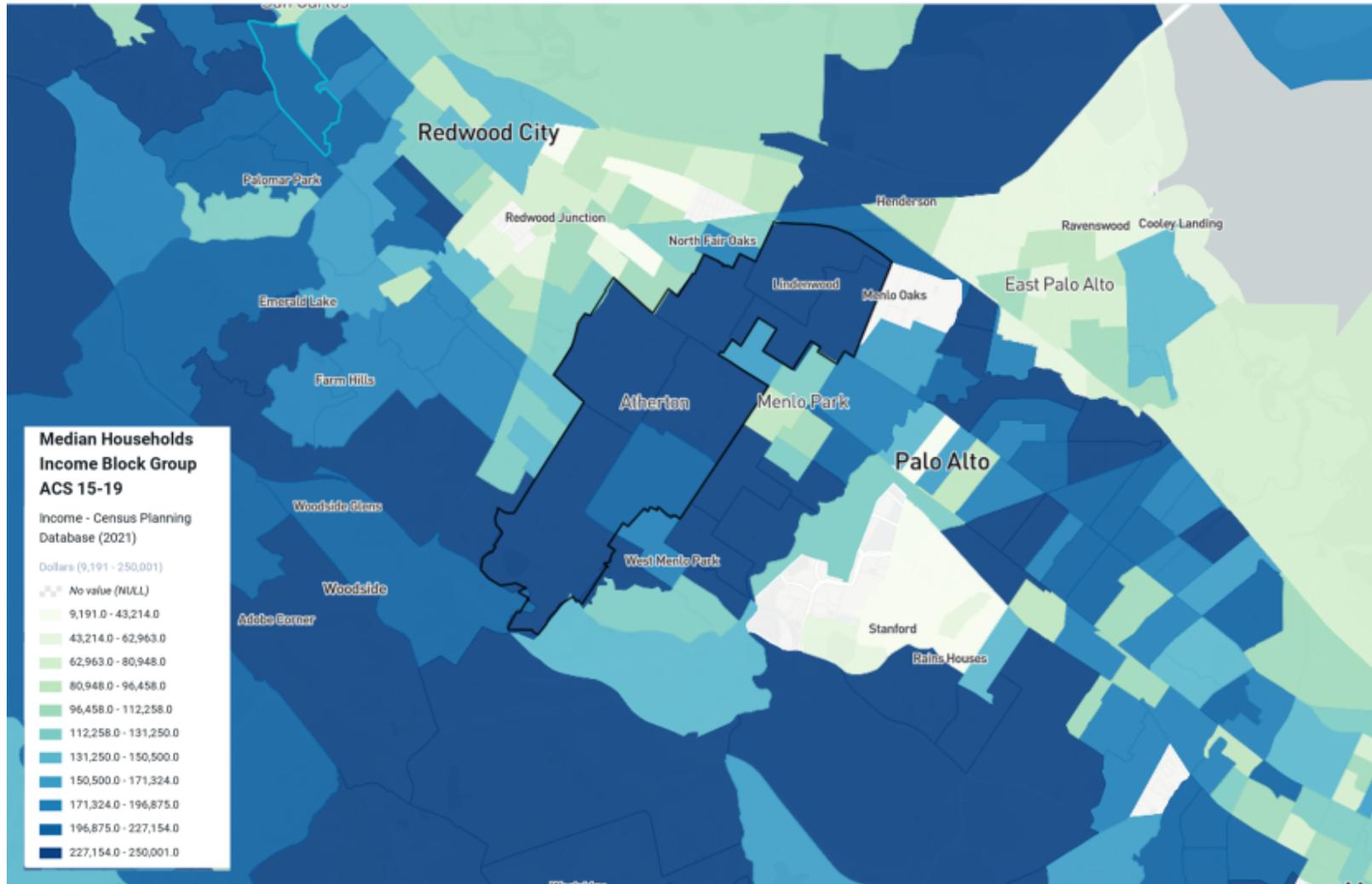
June 19,  
2023

Community  
Workshop  
Site  
Selection

- Affirmatively Furthering Fair Housing and Needs Analysis
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# Median Households Income by Block Group Map



Source: Urban Footprint (Mapping Software)

# Areas Zoned for Single Family Housing

