



Item No. 11 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 16, 2022

**SUBJECT: 2021 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

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.

2021 ANNUAL REPORT

Status of the Atherton General Plan and Progress in its Implementation

The Land Use, Circulation, Open Space and Conservation, Noise, and Community Safety Elements of the Atherton General Plan were updated between 2017 and 2020 and adopted by the City Council on January 15, 2020. 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. The tab labeled “Table B” summarizes the number of Atherton building permits issued by affordability (i.e. very low, low, moderate and above moderate income levels) for 2021 and for the previous six years of the 2015-2022 RHNA (Regional Housing Needs Allocation) cycle. Atherton’s 2015-2022 RHNA allocation was a total of 93 units. By the end of 2021 the Town had issued permits for 247 units; exceeding its RHNA allocation in both the very low and above moderate income categories. The Town has a shortfall of 4 low income units and 8 moderate income units for the RHNA cycle; a shortfall that should be eliminated in 2022, the last year of this RHNA cycle. It appears that the Town will fulfill its RHNA allocation numbers this cycle.

The tab labeled “Table A2” provides the detail for housing units entitled, permitted and finalized for calendar year 2021. The tab labeled “Table D” summarizes last years progress on the adopted Housing Element policies. The other tabs are not applicable to Atherton.

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 were updated in 2017. The Guidelines are permissive, not mandatory and are quite extensive. According to Staff analysis, the 2019 Atherton General Plan is in compliance with the adopted OPR Guidelines.

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 January 15, 2020. The 2014-2022 Housing Element Update was adopted on March 18, 2015.

POLICY FOCUS

The State of California Government Code Section 65300 requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city. 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 status of the plan and progress in its implementation, the progress in meeting its share of regional housing needs, the degree to which the local plan complies with the adopted OPR guidelines, and the date of the last revision to the plan. This report is intended to comply with the requirement. There are no other outstanding policy issues related to this report.

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal B – Preserve Small Town Character and Quality of Life
- Goal F – Be Forward-Thinking, Well-Managed, and Well-Planned

PUBLIC NOTICE

No public hearing nor public notice are required prior to City Council consideration of this report. 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 1,200 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 provides (water, power, and sewer), and regional elected officials.

FISCAL IMPACT

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

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ___ has or X has not been before a Town Committee or Commission.

- ___ Audit/Finance Committee (meets every other month)
- ___ Bicycle/Pedestrian Committee (meets as needed)
- ___ Civic Center Advisory Committee (meets as needed)
- ___ Environmental Programs Committee (meets every other month)
- ___ Park and Recreation Committee (meets each month)
- ___ Planning Commission (meets each month)
- ___ Rail Committee (meets every other month)
- ___ Transportation Committee (meets every other month)

ATTACHMENTS

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

Jurisdiction	Atherton	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

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

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
 Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	35	12	-	-	-	-	-	-	-	-	72	-
	Non-Deed Restricted		-	5	6	3	8	20	18	-	-		
Low	Deed Restricted	26	-	-	-	-	-	-	-	-	-	22	4
	Non-Deed Restricted		-	3	5	2	2	5	5	-	-		
Moderate	Deed Restricted	29	-	-	-	-	-	-	-	-	-	21	8
	Non-Deed Restricted		-	2	-	1	-	9	9	-	-		
Above Moderate		3	-	5	25	28	19	25	30	-	-	132	-
Total RHNA		93											
Total Units			12	15	36	34	29	59	62	-	-	247	12

Note: units serving extremely low-income households are included in the very low-income permitted units totals and must be reported as very low-income units.

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Atherton		
Reporting Year	2021 (Jan. 1 - Dec. 31)		
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
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.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Sec. 3.612 Market Rate Housing Construction	3 new Above Market units	2015-22	One net new unit constructed this year. Objective met and exceeded.
Sec. 3.621 Second Dwelling Unit (ADU) Program	40 new Moderate to Extremely Low Income Units	2015-22	Thirty ADU's constructed and an additional 22 ADU's entitled in 2021. A total of 115 ADU's have been constructed since 2015 and an additional 22 ADU's entitled in 2021. Objective met and exceeded.
Sec. 3.631 Faculty and Student Housing Program	27 new faculty units and 63 new student housing units in extremely low to moderated income ranges	2015-22	Market failed to construct any faculty or student units during this year.
Sec. 3.641 Continue to facilitate and expedite the rehabilitation and conservation of existing units	On-going permit issuance	2015-22	Over 100 permits issued this year for improvement, rehabilitation and conservation of existing units.
Sec. 3.651 Housing Opportunities for handicapped and low and moderate income and homeless	Enforce UBC regulations for handicapped access	2015-22	On-going program
Sec. 3.661 Meeting the needs of seniors	Enforce UBC regulations for handicapped access, support conservation of senior housing	2015-22	On-going program
Sec. 3.671 Non-discrimination in housing	Eliminate discrimination in housing to the extent feasible through Town actions	2015-22	On-going program

Moderate	Deed Restricted	0
	Non-Deed Restricted	9
Above Moderate		30
Total Units		62

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	5
Low	Deed Restricted	0
	Non-Deed Restricted	1
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		25
Total Units		31

Jurisdiction	Atherton	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	18
Low	Deed Restricted	0
	Non-Deed Restricted	5
Moderate	Deed Restricted	0
	Non-Deed Restricted	9
Above Moderate		30
Total Units		62

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

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	0	30	25
2 to 4	0	0	0
5 +	0	0	0
ADU	22	32	6
MH	0	0	0
Total	22	62	31

Housing Applications Summary	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Analysis of Atherton General Plan (AGP) with Adopted Office of Planning and Research (OPR) Guidelines
 January 10, 2022

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-17	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-17	Full
Distribution of open space including agriculture	AGP Land Use Diagram shows proposed open space uses. There is no agricultural land in Atherton, however, the topic is addressed. Pg. LU-17	Full
Distribution of mineral resources	There are no mineral resources in Atherton, however, the topic is addressed.	Full
Distribution of recreation facilities and opportunities	AGP Land Use Diagram, pg. LU-17, the Land Use Element text, pg. LU-9-10, and the Open Space and Conservation Element, pg. OSC-52-56 describe the distribution of recreation facilities and opportunities.	Full

¹ Language from the OPR Guidelines.

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Location of education facilities	AGP Land Use Diagram, pg. LU-17, the Land Use Element text, pg. LU-11, and the Open Space and Conservation Element text pg. OSC-56 describe the location of education facilities.	Full
Location of public buildings and grounds	AGP Land Use Diagram, pg. LU-17, the Land Use Element text, pg. LU-10-11 describe the location of public buildings and grounds.	Full
Location of solid and liquid waste facilities	The Land Use Element text, pg. LU-12-13 describes the location of solid and liquid waste facilities.	Full
Identification of areas subject to flooding	The Land Use Element text, pg. LU-13 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 and table, pg. LU-9 contains standards for population intensity and building intensity.	Full
Circulation Element		
Contains definitions and descriptions of:		
Major thoroughfares	The Circulation Plan Diagram, pg. CIR-36 and the Circulation Element text, pg. CIR-20, 27-29 define and describe major thoroughfares; freeways, highways, minor arterials, collectors, local streets and street standards.	Full
Transportation routes	The Circulation Plan Diagram, pg. CIR-36 and the Circulation Element text, pg. CIR-20-26 defines and describes transportation routes.	Full
Terminals	The Circulation Element text, pg. CIR-25, defines and describes the local rail terminals.	Full

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Other local public utilities and facilities including railroads, airports and parking.	The Circulation Element text, pg. CIR-20-26 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. OSC-53-56 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, for public health and safety, for military support and for tribal resources.	AGP Open Space and Conservation Element text, pg. OSC-53-56, the Land Use Diagram, pg. LU-17 and the Land Use Element text, pg. LU-9-10 address open space for the preservation of natural resources, for the managed production of resources, for outdoor recreation, for public health and safety, for military support and for tribal resources.	Full
The Open Space Element should contain an open space action program	AGP Open Space and Conservation Element text, pg. OSC-66-67 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. NOI-40-42 describes the major community noise sources.	Full

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Existing and projected levels of noise and noise contours for major noise sources	AGP Noise Element Existing and Future Noise Contours diagrams, pg. NOI-47 & 48 provide 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. NOI-42-43 describes the existing and projected land uses and locational relationship to existing and projected noise sources	Full
Existing and proposed sensitive receptors, including hospitals, convalescent homes, schools, churches and sensitive wildlife habitat	AGP Noise Element Table N-2, pg. NOI-42 describes standards for sensitive receptors, including hospitals, convalescent homes, schools, churches and sensitive wildlife habitat	Full
The extent of “noise problems in the community”	AGP Noise Element text, pg. NOI-43-44 describes the extent of “noise problems in the community”	Full
Method of noise attenuation	AGP Noise Element text, pg. NOI-45-46 describes noise mitigation measures.	Full
Implementation measures and possible solutions that address existing and foreseeable noise problems	AGP Noise Element text, pg. NOI-45-46 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-72-74 addresses seismically induced surface faulting, ground shaking, ground failure, tsunami, water waves (seiche), and dam failure.	Full
Slope instability leading to mudslides and landslides	AGP Community Safety Element text, pg. CS-75 addresses slope instability leading to mudslides and landslides.	Full

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Subsidence, liquefaction, and other seismic hazards identified on seismic hazard maps	AGP Community Safety Element text, pg. CS-75 addresses subsidence, liquefaction, and other seismic hazards identified on seismic hazard maps.	Full
Flooding	AGP Community Safety Element text, pg. CS-75-76 addresses flooding.	Full
Wildland and urban fires	AGP Community Safety Element text, pg. CS-76-77 addresses major fire incidents.	Full
Evacuation routes	AGP Community Safety Element text, pg. CS-78 & 80 addresses evacuation routes.	Full
Peak load water supply requirements	AGP Community Safety Element text, pg. CS-78 addresses peak load water supply requirements.	Full
Minimum road widths and turnouts	AGP Circulation Element text, pg. CIR-29 addresses minimum road widths.	Full
Clearances around structures	AGP Community Safety Element text, pg. CS-76-77 addresses clearances around structures including defensible spaces, home ignition zones and weed abatement.	Full