Meeting Date: December 7, 2009

TOWN OF MORAGA **STAFF REPORT**

To: **Honorable Mayor and Council Members**

From: **Lori Salamack, Planning Director**

Subject: **Continued Public Hearing to Consider a Recommendation for: 1)Adoption of a Resolution Approving the Draft Mitigated Negative Declaration (MND) for the Housing Element Update with Conforming Changes in the General Plan and adopting the Housing Element Update with Conforming Changes in the General Plan; and 2) Adoption of a Resolution Approving the Moraga Center Specific Plan; and 3) Introduction and First Reading of a Draft Ordinance to Re-zone 24 acres within the Moraga Center Specific Plan area to a new 20 Dwelling Units per Acre Zone and 4) Introduction and First Reading of a Draft Ordinance to Establish the Zoning Requirements for the new 20 Dwelling Units per Acre Zone.**

Request

Conduct a public hearing, adopt the attached draft resolution.

Background

The Housing Element is a required element of the General Plan. State law requires that Housing Elements are updated periodically. The Association of Bay Area Governments (ABAG) conducts a Regional Housing Needs Allocation (RHNA) prior to each Housing Element cycle in the Bay Area. The current planning period for the Housing Element update is 2007-2014. In this period the Town must plan for a total of 307 dwelling units in accordance with the income distribution identified below:

Town of Moraga RHNA

Income Group	Number of Dwelling Units
Very Low Income (< 50% of median income)	84
Low Income (<80% of median income)	64
Moderate Income (<120% of median income)	97
Above Moderate Income (> or = 120% of median income)	62
Total	307

The Housing Element process requires an identification of adequate sites for the development of housing for the required range of income categories. Several approved subdivisions such as Palos Colorados, the Country Club Extension and Vista Encinos provide more than the required number of above moderate income dwelling units. In addition, the Palos Colorados project will be providing up to 30 secondary living units that can help to provide housing for low to moderate income households. In order to identify adequate sites for the development of housing for very low to moderate income households, the Town is primarily relying on residential opportunities in the Moraga Center Specific Plan area. Some of the dwelling units in this area are proposed to be developed at a density that the state recognizes as adequate for the production of affordable housing for low income household. In the Moraga Center Specific Plan, these units are identified for seniors at a density of 20 dwelling units per acre.

The Town of Moraga Housing Element, however, is more than just an identification of adequate sites for the development of housing; it is also a compilation of the Town's goals and policies with respect to housing especially as required by state law. In accordance with Moraga Municipal Code Section 8.08.020, the Planning Commission reviewed the draft Housing Element on June 15, 2009 and provided significant input. The Planning Commission is again scheduled to review the revised draft documents on November 30, 2009.

Discussion

The Town Council considered the draft Housing Element on June 24, 2009. At that time the Council authorized staff to submit the draft document to the State Department of Housing and Community Development (HCD) for review. On August 28, 2009, the Town received comments on the draft element from HCD. For the last 12 weeks, the Town has been working to address all of the comments in the State's comment letter. Staff has received an informal evaluation from HCD regarding the proposed refinements to the Housing Element and has incorporated further clarifications into the draft document.

Staff has also incorporated direction provided by the Town Council on May 27, 2009 into the draft Moraga Center Specific Plan (MCSP). In addition, staff has developed a new draft ordinance to provide for the ministerial review of exclusively residential development within the Moraga Center Specific Plan area. The new draft ordinance was reviewed and refined by a subcommittee consisting of two members of the Town Council (Mayor Trotter and Councilmember Metcalf), two members of the Planning Commission (Commissioners Socolich and Driver) and two members of the Design Review Board (Kuckuk and Kline). In addition, the review meetings regarding the new draft ordinance were publicly noticed and open to the public and included participation by property owners.

On November 18, 2009, the Town Council again considered the draft Housing Element and draft Specific Plan and provided further direction to staff. On November 30, 2009, staff provided the Planning Commission with a redline copy of the revisions that were made after the November 18, 2009 Council meeting. O

On December 2, 2009, the Town Council again considered the draft documents and received additional suggestions for further revisions in the documents. The further revisions are reflected in the attached "redline" document.

Next Steps:
Following is a schedule for completion of the Housing Element update, MCSP and draft ordinances.

12/7/09 Planning Commission action to recommend approval of the draft documents.

1/13/10 Town Council action on the draft documents

1/15/10 Submittal of the draft documents to HCD

1/27/10 Second reading of the draft ordinances

2/27/10 New ordinances effective

4/15/10 Deadline to receive state-certification or comments from HCD on adopted Housing Element.

After 4/15/10 revise Housing Element if required by HCD and continue implementation of MCSP.

Fiscal Impact

Failure to achieve a state-certified housing element could result in lost funding opportunities for the town and potential litigation.

Recommendation(s)

Conduct the public hearing and adopt the draft resolution.

Attachments:

A. Redline copy of changes in the draft documents
B. Revised draft resolution