

## Comprehensive Advanced Planning Initiative: Housing Element, Rezoning, and General Plan Amendments

# INTRODUCTION AND OVERVIEW

*Joint Study Session Kick Off Meeting*  
Moraga Town Council &  
Planning Commission

October 6, 2021



# PRESENTATION OVERVIEW

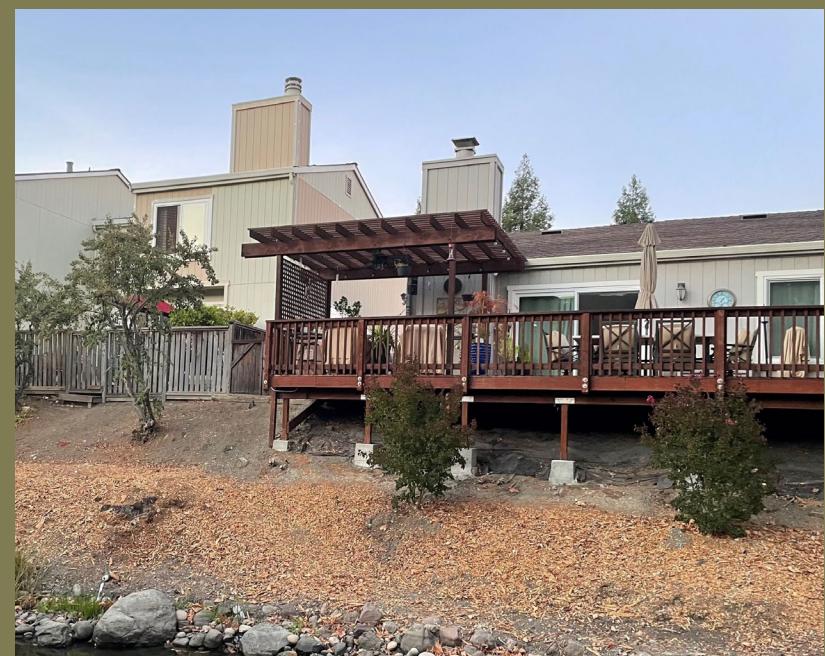
1. Recap of Project
2. Project Context
3. Housing Element Overview
4. New Laws and Requirements
5. Update Process and Community Engagement
6. Consequences of Non-Compliance
7. Related Tasks
8. Bollinger Valley Special Study Area



# Recap:

## Comprehensive Advanced Planning Initiative

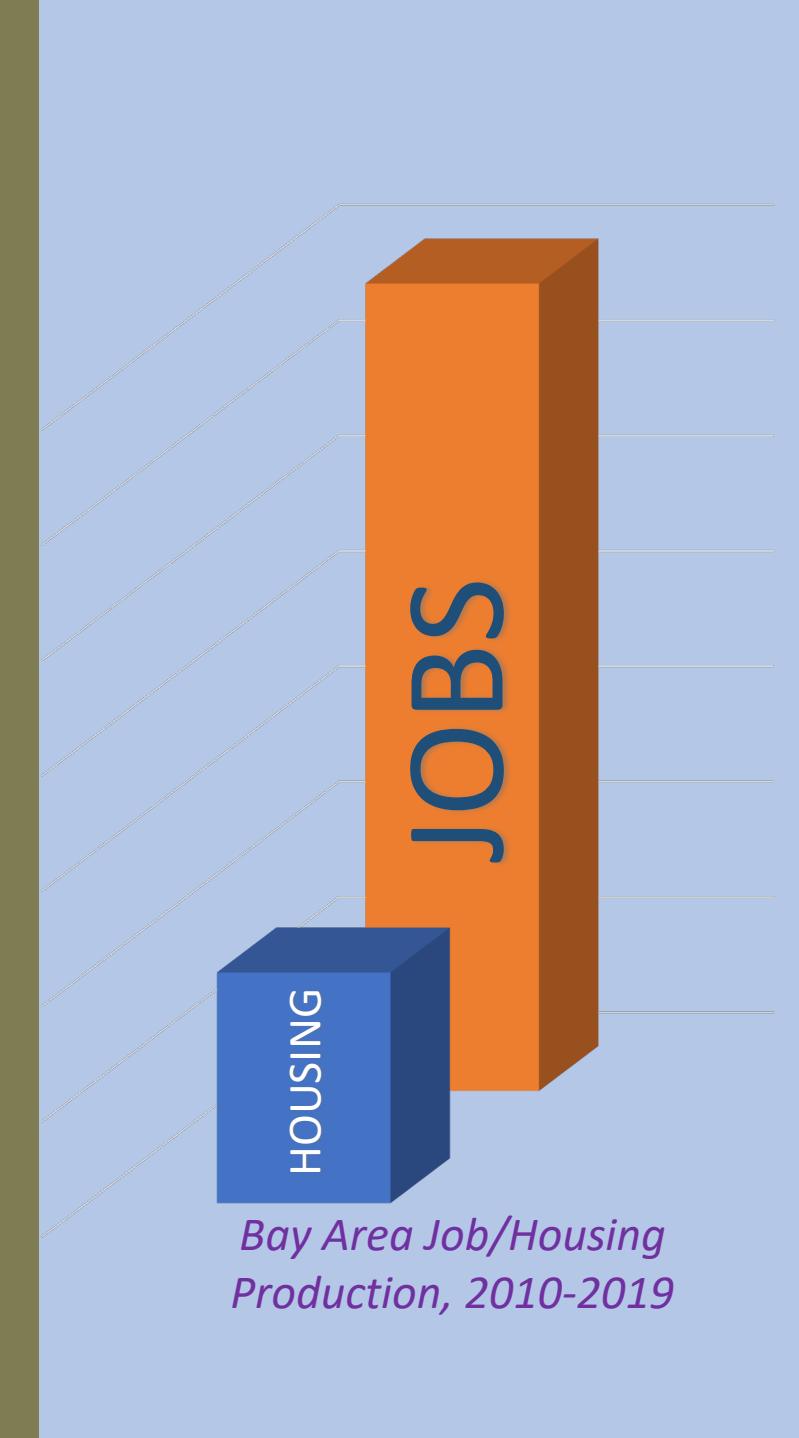
- 2023-2031 Housing Element
- Rezoning of Key Sites to Accommodate RHNA
- Bollinger Valley Special Study Area Rezoning
- Mandatory General Plan Amendments
  - Consistency Amendments
  - State-mandated Safety/Transportation Amendments
- Full EIR



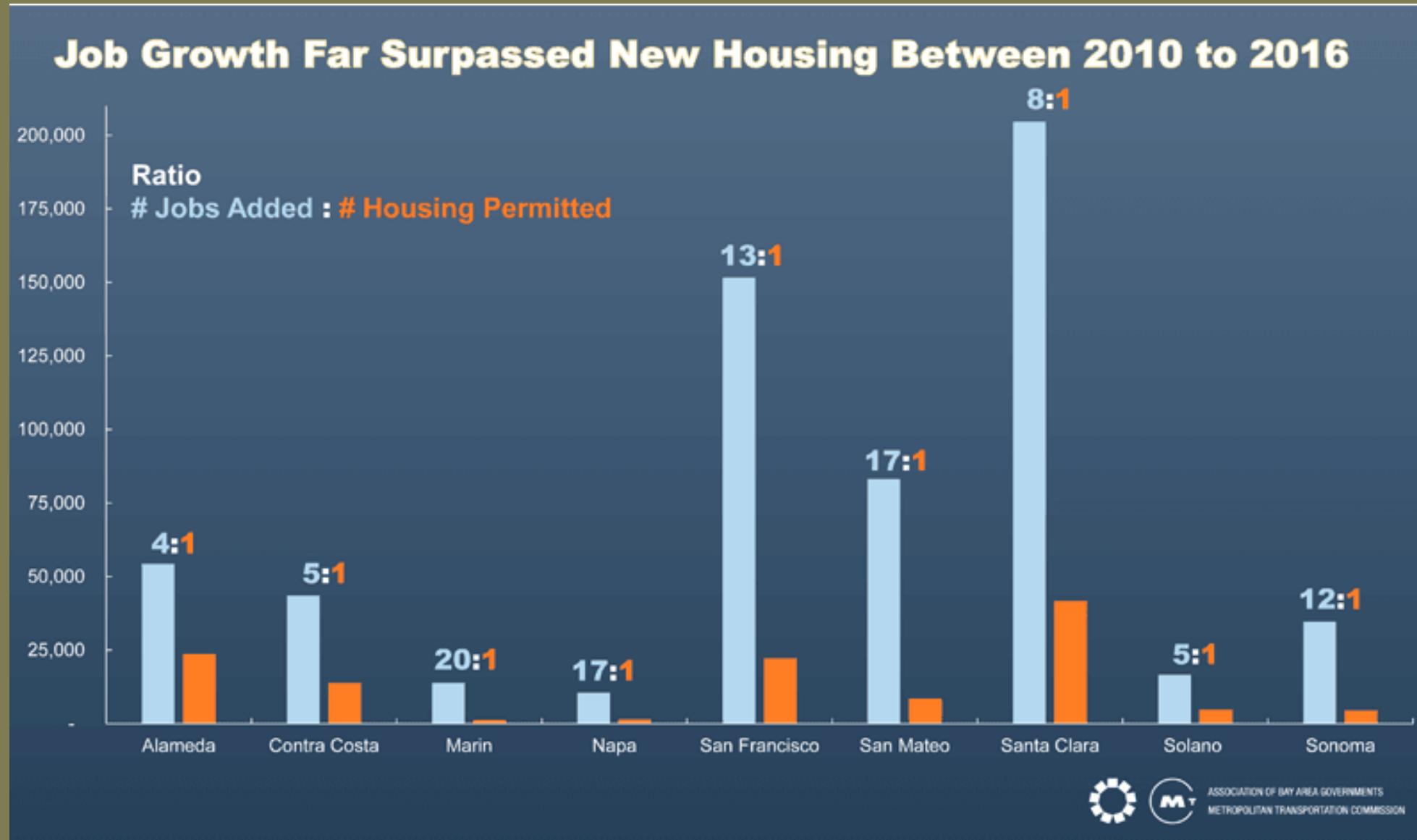
# Context:

## How did we get here?

- Bay Area housing supply has not kept pace with demand
- From 2010-2019, there was one home added for every 3.5 new jobs created
- More dwelling units are needed to correct the imbalance
- State of CA determined the Bay Area need for 2023-2031 was **441,176** new units



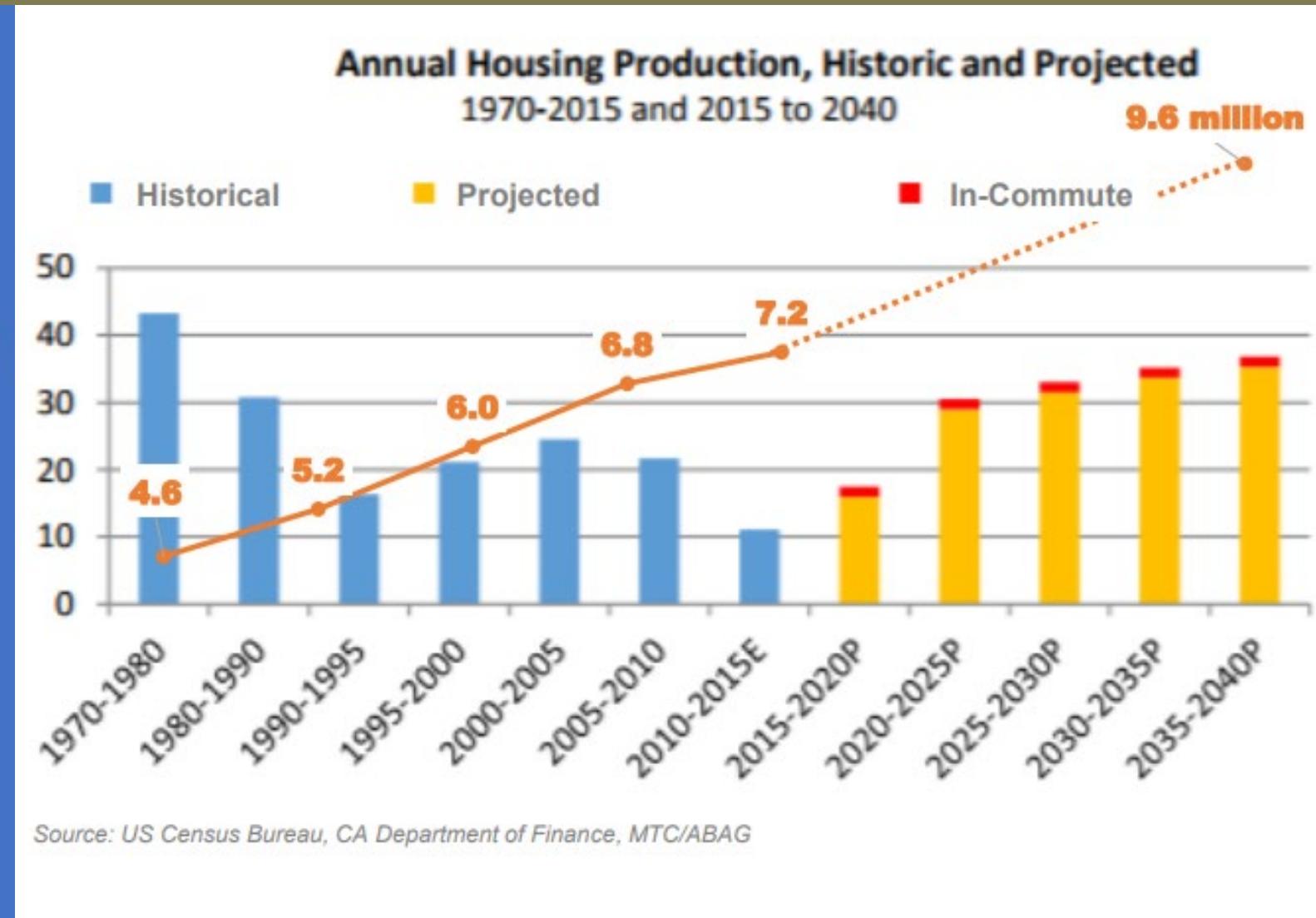
# Job Growth vs. Housing



# Annual Housing Production, Historic vs. Projected

## Housing and Population Growth In the Bay Area

- A. The region's population was 4.6 million in 1970 and is projected to grow to 9.6 million by 2040.
- B. PBA 2040 projects the region will ramp up to building 35,000 homes per year between 2030 and 2040.
- C. Between 2000 and 2015, the region built an average of 18,000 homes annually.
- D. By comparison, the region built 42,000 new homes annually between 1970 and 1980.



# The Bay Area has been falling short

RHNA Cycle	Total Housing Units Needed	Permits Issued	Percent of RHNA Permitted				
			All	Very Low Income	Low Income	Moderate Income	Above Moderate Income
1999-2006	230,743	213,024	92%	44%	79%	38%	153%
2007–2014	214,500	123,098	57%	29%	26%	28%	99%
2015-2023*	187,994	121,973	65%	15%	15%	25%	126%

\* Data for 2015-2019 only

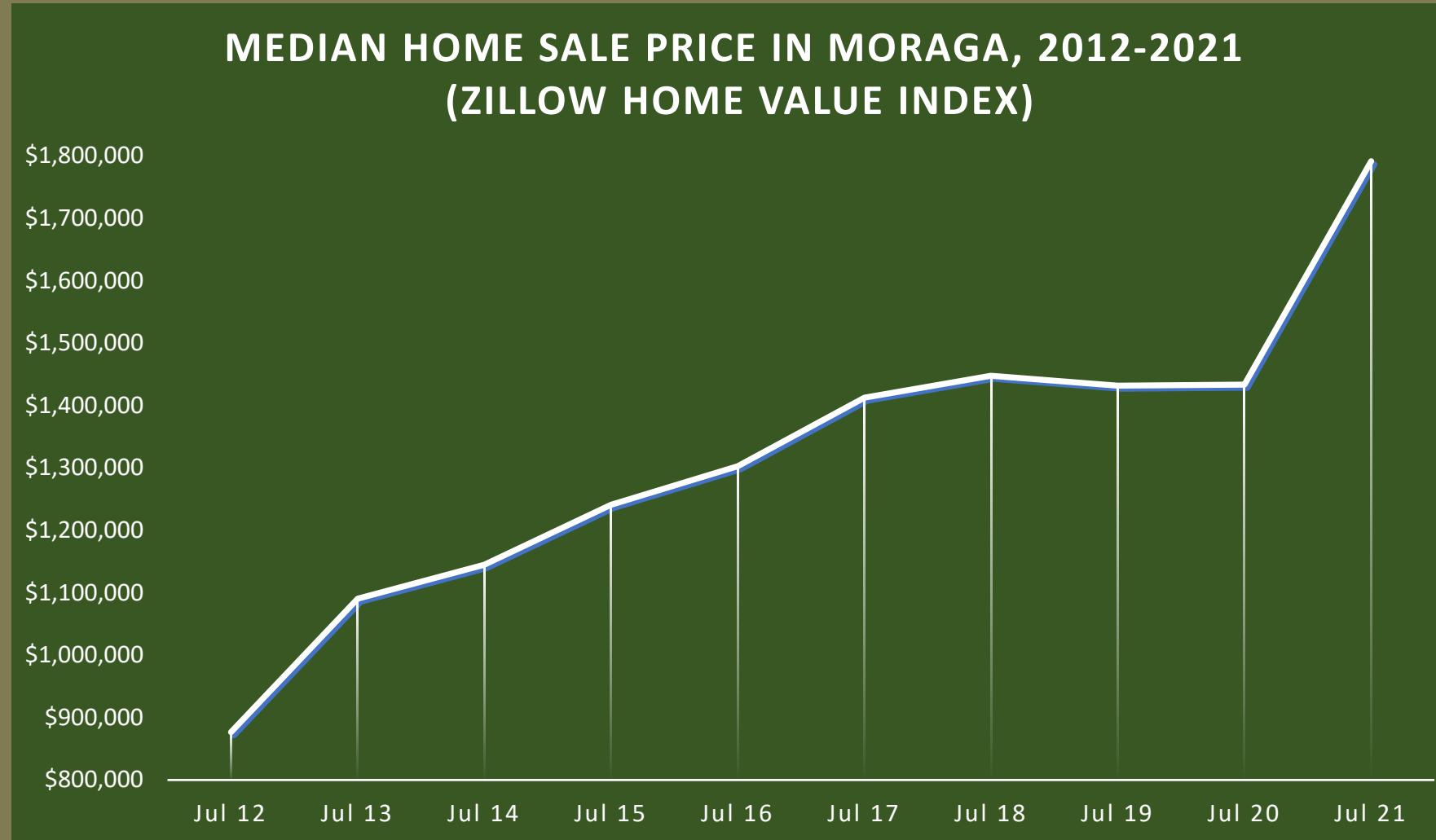
# Contra Costa County and Moraga have been falling short

2015-2019 Housing Production (numbers of units)

	All	Very Low Income	Low Income	Moderate Income	Above Moderate Income
<b>CONTRA COSTA COUNTY (all cities, plus unincorporated)</b>					
2015-23 RHNA	20,630	5,264	3,086	3,496	8,784
Units Permitted	14,127	684	1,169	1,073	11,201
% RHNA Met	<b>68%</b>	<b>13%</b>	<b>38%</b>	<b>31%</b>	<b>128%</b>
<b>TOWN OF MORAGA</b>					
2015-23 RHNA	229	75	44	50	60
Units Permitted	78	0	0	2	76
% RHNA Met	34%	0%	0%	4%	127%



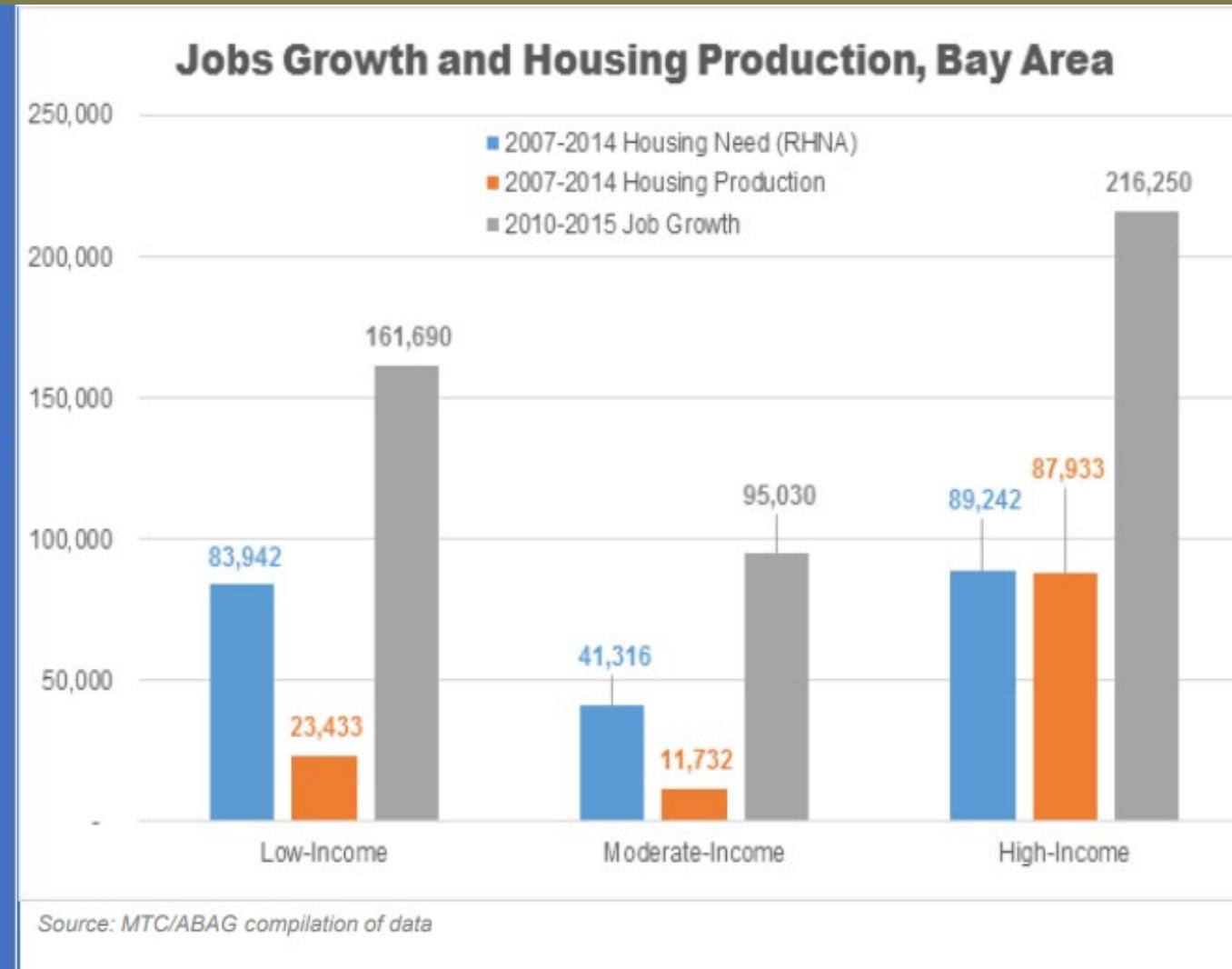
# It's not just production—it's affordability



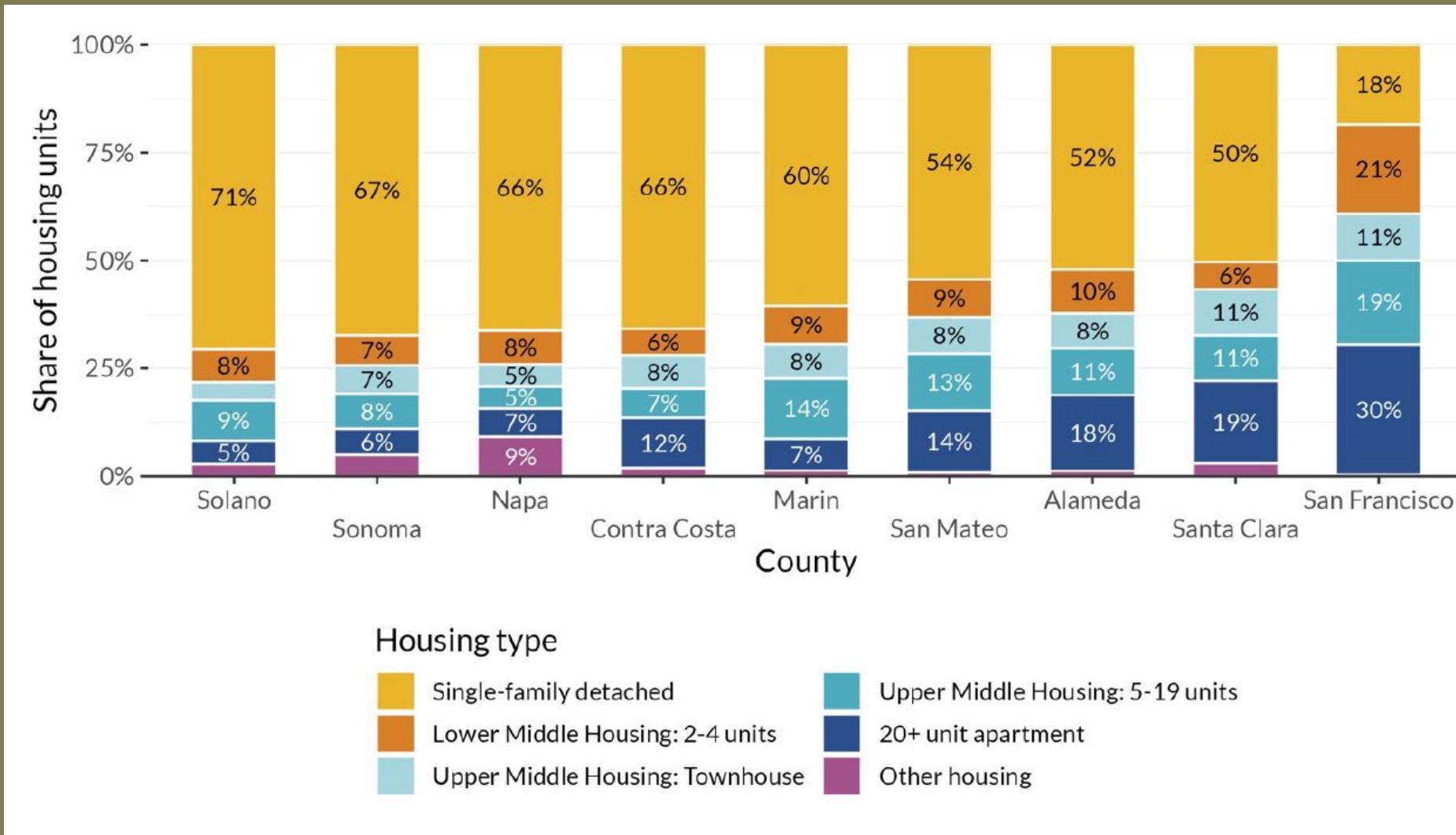
# Job Growth and Housing Production

## Housing and Population Growth in the Bay Area

- A. Jobs and population growth is anticipated to outpace housing production.
- B. Estimates of funding needed to build a sufficient number of deed-restricted affordable units range from \$1 billion to \$3 billion annually.



# Unit type impacts affordability



*Townhomes,  
garden apartments,  
and 2-4 unit buildings  
are considered  
“missing middle”  
housing that are more  
affordable by design*

# Townhomes are typically 25-50% more affordable than detached homes

	San Mateo	San Francisco	Santa Clara	Marin	Alameda	Contra Costa	Napa	Solano	Sonoma
<b>Townhouse</b>									
Median sales price	\$1,359,700	\$1,374,700	\$1,106,900	\$785,700	\$834,800	\$696,300	\$649,500	\$493,800	\$465,700
Annual income needed to afford mortgage	\$257,770	\$260,530	\$211,330	\$152,330	\$161,350	\$135,900	\$127,310	\$98,700	\$93,540
Annual income needed as a percent of MFI*	172%	174%	140%	102%	128%	108%	125%	99%	91%
<b>Single-Family</b>									
Median sales price	\$1,851,300	\$1,741,400	\$1,571,000	\$1,645,400	\$1,204,300	\$895,900	\$843,300	\$752,600	\$546,300
Annual income needed to afford mortgage	\$348,060	\$327,890	\$296,580	\$310,240	\$229,220	\$172,560	\$162,910	\$146,250	\$108,350
Annual income needed as a percent of MFI*	233%	219%	196%	207%	183%	137%	160%	147%	105%

\*as compared to 100% MFI for a 4-person household. Orange indicates less affordability, blue indicates greater affordability.

# Our service workers can't afford to live here anymore

OCCUPATION	AVERAGE ANNUAL INCOME	INCOME CATEGORY	% OF MONTHLY INCOME NEEDED TO AFFORD MEDIAN 1 BDRM APT.
Dishwasher	\$30,160	Extremely Low	100%
Retail worker	\$39,987	Very Low	76%
Pre-school teacher	\$41,563	Very Low	74%
Medical assistant	\$47,846	Very Low	64%
Firefighter (entry)	\$62,918	Low	49%
Police officer	\$76,623	Low	40%
Elem. School Teacher (average)	\$77,608	Low	39%



# Benefits of increased housing choices

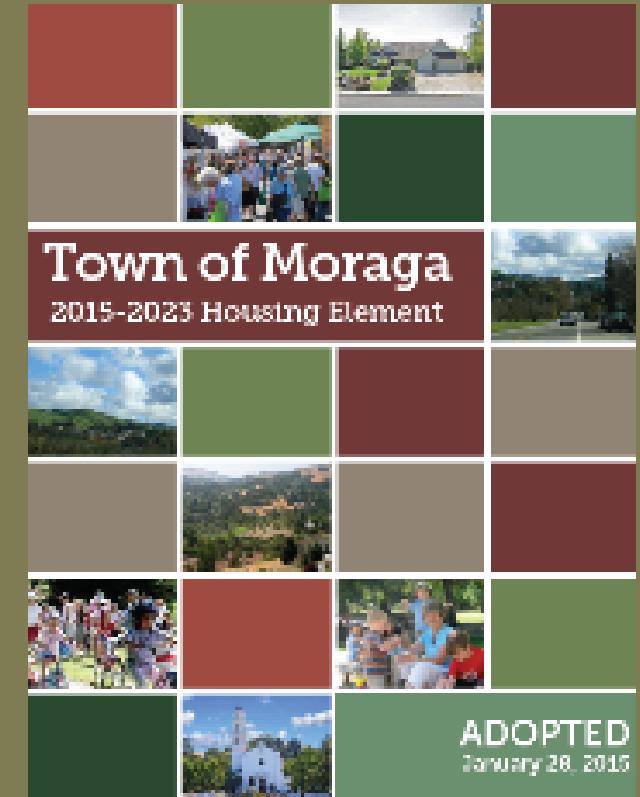
- Young families can find a first-time home
- Young adults can stay in the communities where they grew up
- Seniors can have more options for retirement
- Workers can find homes near their jobs
- Shorter commutes mean less greenhouse gas emissions (and congestion)
- Our communities can be stronger and more balanced



# Housing Element

Our guide to meeting local housing needs

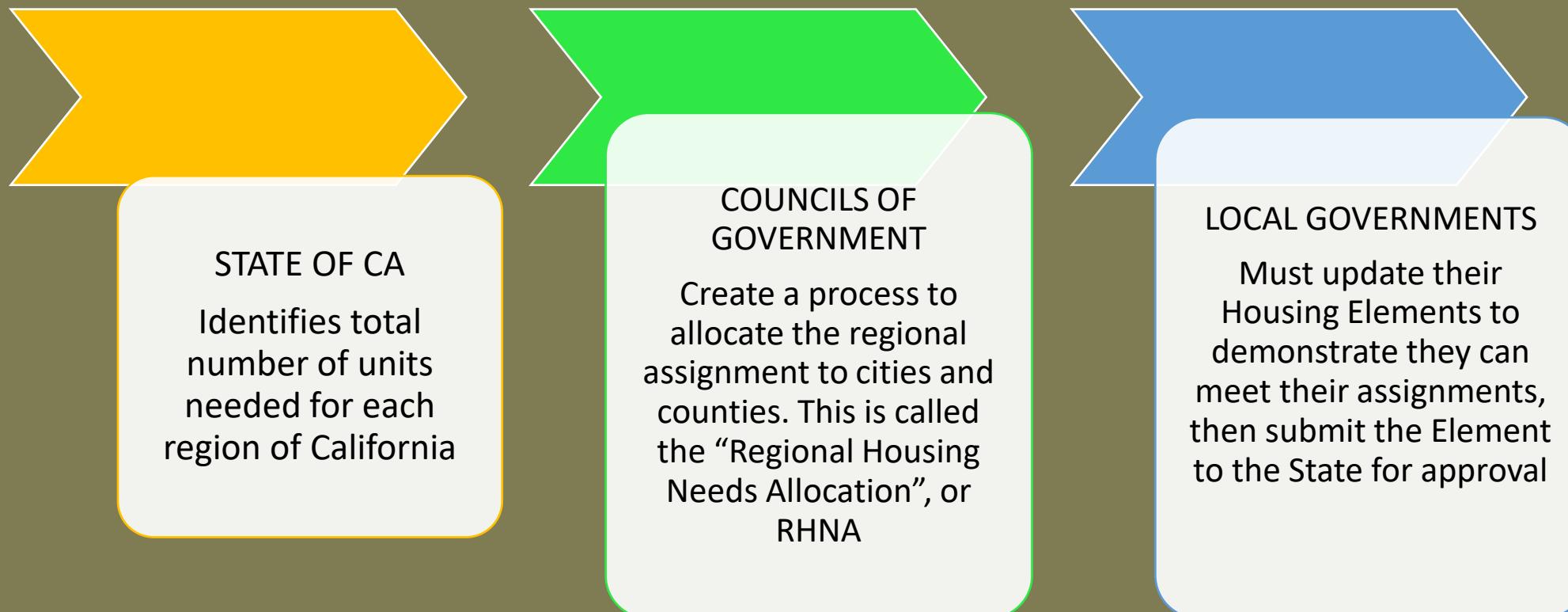
- Required part of the General Plan since 1969
- Must be updated every eight years
- Only part of Plan subject to State certification
- Content defined by State Government Code
- All cities and towns must demonstrate they accommodate their “fair share” of the region’s housing needs



*Local governments  
don't build housing,  
but they **DO** create  
the rules that  
determine where  
housing can be built*

# RHNA informs the Housing Element

## *Regional Housing Needs Allocation (RHNA) Process*



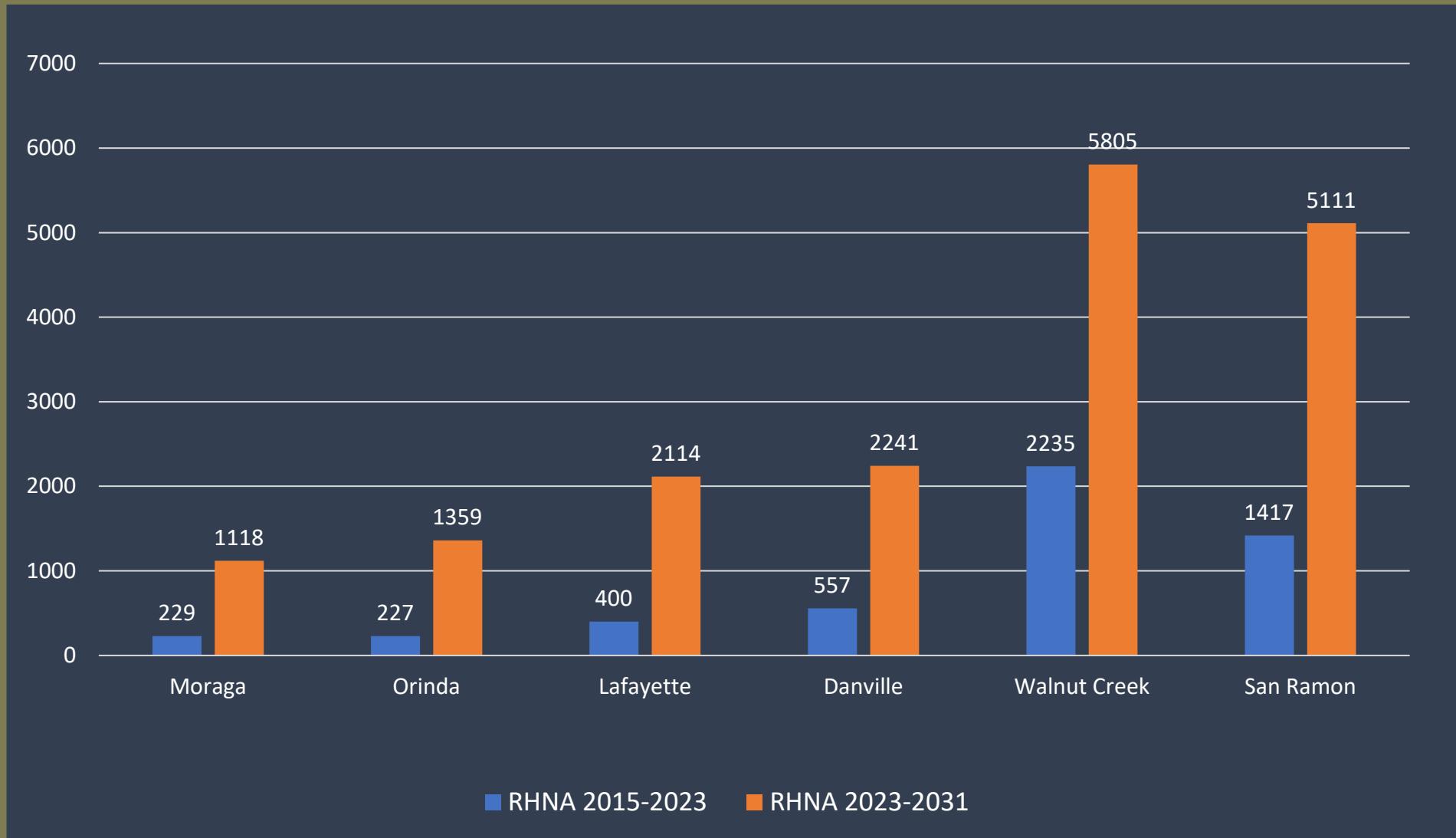
# RHNA Methodology

Allocating 441,176 units to 101 cities and nine counties

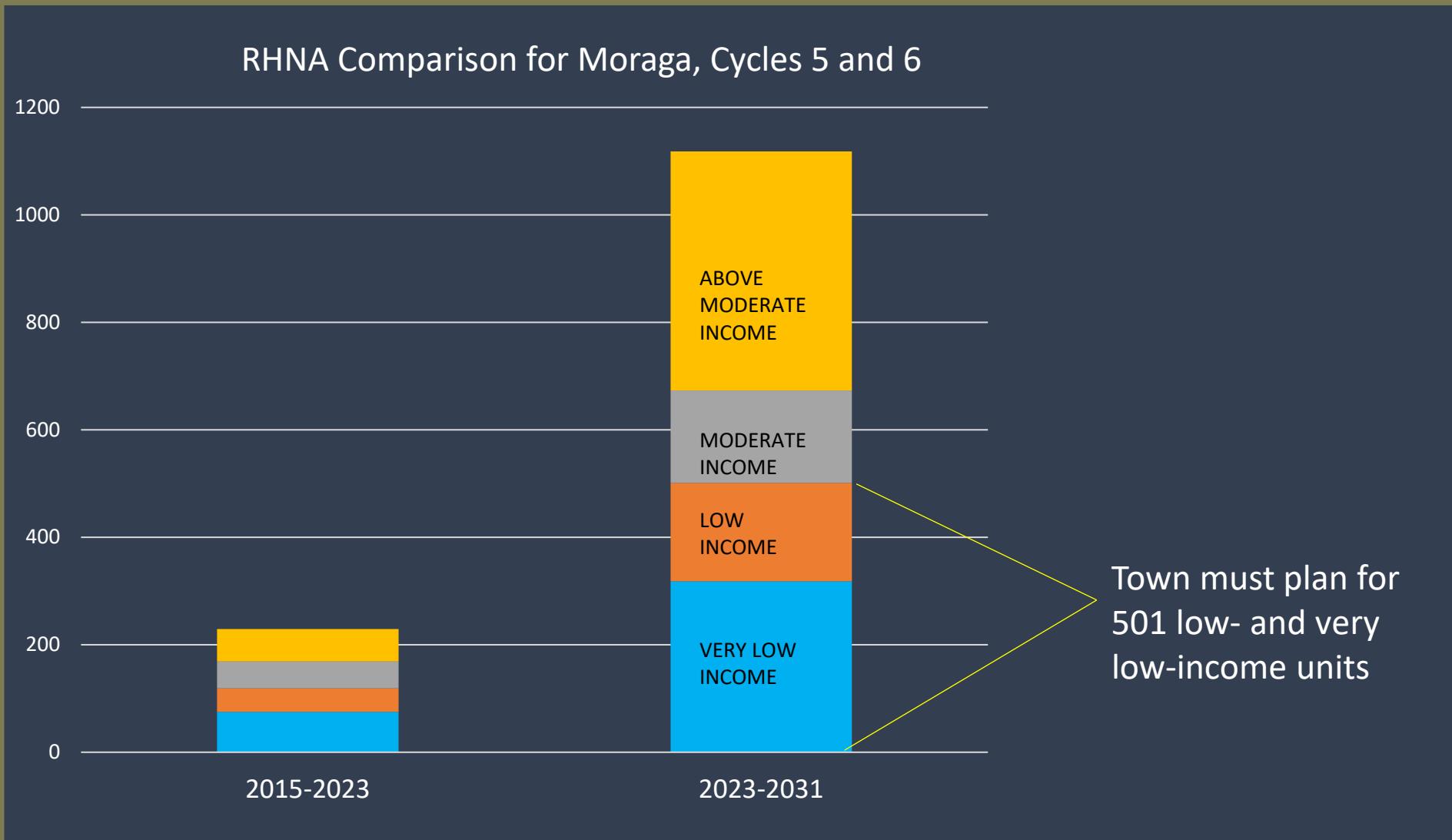
- Method must meet statutory objectives
- ABAG created 37-member committee for options
- Allocate need based on growth potential or pop.?
  - *Committee selected 2050 households as the baseline*
  - *Units were pro-rated to each community based on 2050 household forecasts*
- Adjustments were made to assign more units to High Resource Areas, job centers, and areas with transit
- Lamorinda inc. Moraga is a “High Resource Area (HRA)”



# 2023-2031 assignments are much higher!



# Moraga's RHNA has increased by 388%



# HCD Income Limits for Contra Costa County

Income Group	Number of persons in the household					
	1	2	3	4	5	6
Extremely Low	\$28,800	\$32,900	\$37,000	\$41,100	\$44,400	\$47,700
Very Low	\$47,950	\$54,800	\$61,650	\$68,500	\$74,000	\$79,500
Low	\$76,750	\$87,700	\$98,650	\$109,600	\$118,400	\$127,150
Moderate	\$105,500	\$120,550	\$135,650	\$150,700	\$162,750	\$174,800

*“Very Low” Income includes:*

- *Less than 30% of areawide median income (Extremely Low)*
- *30-50% of areawide median income*

	“Affordable” monthly housing cost (30% of income)							
Extremely Low	\$ 720	\$ 823	\$ 925	\$ 1,028	\$ 1,110	\$ 1,193		
Very Low	\$ 1,199	\$ 1,370	\$ 1,541	\$ 1,713	\$ 1,850	\$ 1,988		
Low	\$ 1,919	\$ 2,193	\$ 2,466	\$ 2,740	\$ 2,960	\$ 3,179		
Moderate	\$ 2,638	\$ 3,014	\$ 3,391	\$ 3,768	\$ 4,069	\$ 4,370		

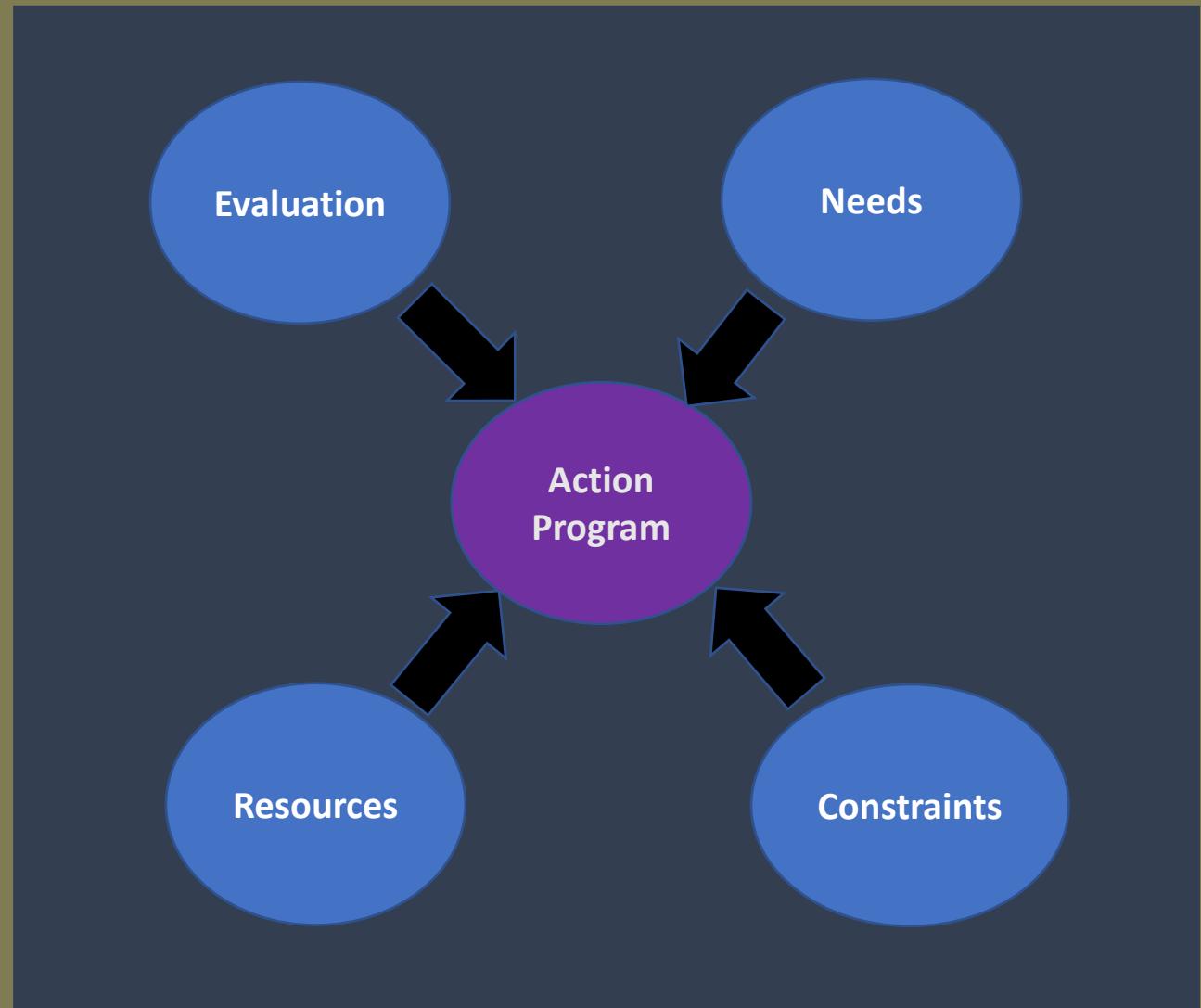
# The Housing Element must:

- Show that the community can meet its RHNA
- Identify specific housing sites by income category
- Accommodate a range of unit types
- Provide for a range of incomes
- Include a “buffer” of extra sites in case opportunity sites are developed with other uses over the planning period



# Contents of Housing Element

- Evaluation of Progress
- Needs Assessment
- Constraints Analysis
  - *Government Constraints*
  - *Non-Government Constraints*
- Resources and Opportunities
- Goals, Policies and Actions



# New Laws and Requirements

- High-level overview tonight; deeper dive at October 27 Town Council meeting
- Key laws:
  - Criteria for housing sites (AB 1397, SB 166)
  - Affirmatively Furthering Fair Housing (“AFFH”) (AB 686)
  - Housing Accountability (SB 167/AB 678) and Housing Crisis Act (SB 330)
  - Objective standards (SB 35)
  - Penalties for non-compliance



# Housing Opportunity Sites: What gets counted?

- Approved development (“pipeline” projects)
- Vacant land zoned for housing or mixed use
- Under-developed residential sites (with subdivision potential)
- Underutilized commercial/ mixed use sites
- Accessory dwelling units

*Sites can only be counted as suitable for low/ very low-income units if they are zoned for 20 units per acre or higher*



# Opportunity Sites: Where are we now?

- Prior RHNA was 229 units
- 2015-2023 Element identified capacity for 873 units

Description	Low and Very Low Income	Moderate	Above Moderate	Total
2015-2023 RHNA	119	50	60	229
Approved Projects	0	15	328	343
Moraga Center Specific Plan	386	0	144	530
<b>Total</b>	<b>386</b>	<b>15</b>	<b>472</b>	<b>873</b>
<i>RHNA Balance</i>	267	-35(*)	412	644

(\*) covered by surplus capacity from low/very low category



# SB 1397

## New Rules for Housing Sites

- Can “carry over” sites from prior Housing Element if City requires minimum density and offers by right zoning for projects in which 20% of the units are affordable.
- New limits on sites less than  $\frac{1}{2}$  acre and more than 10 acres.
- Non-vacant sites subject to additional analysis to show that reuse is feasible.



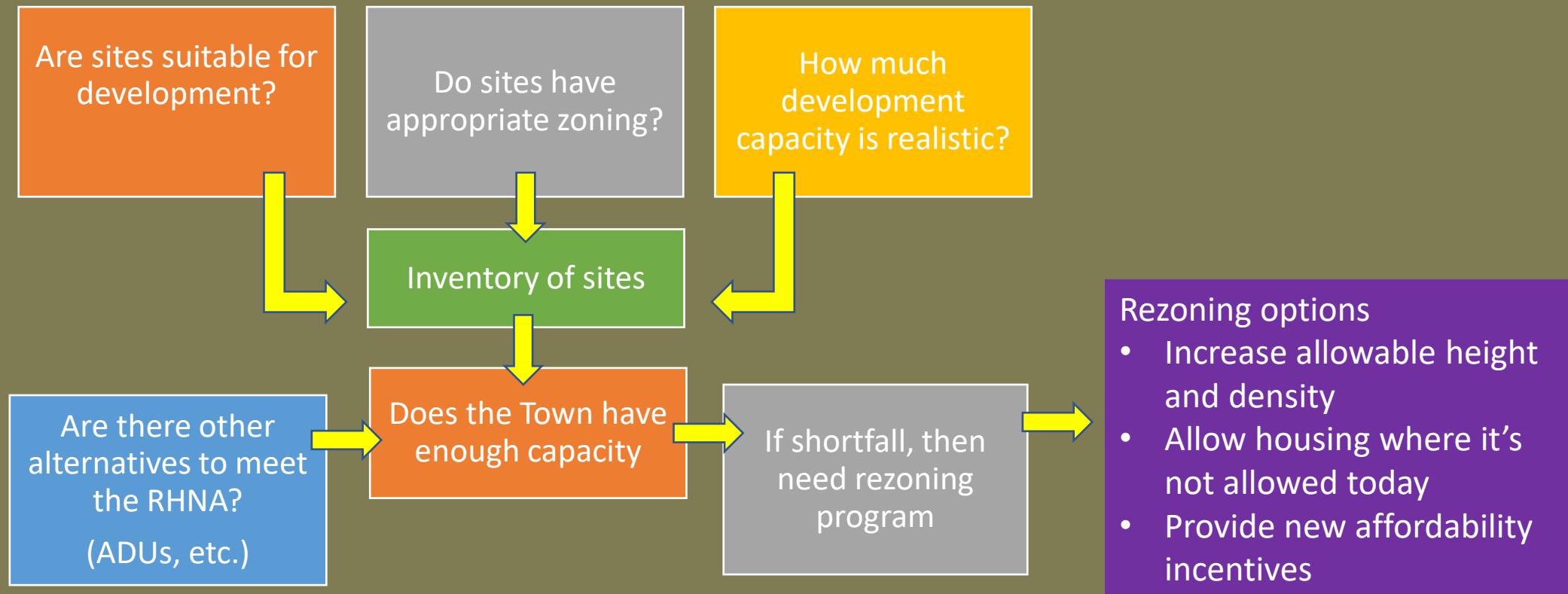
# SB 166

## No Net Loss

- Agencies must maintain adequate sites to meet their RHNA for each income group through the entire planning period
- If a “lower income” opportunity site is developed with market-rate housing, must make a finding that adequate capacity remains
- HCD recommends a capacity buffer of 20-30%



# Evaluating Housing Sites



# Counting ADUs

- Accessory Dwelling Units (ADUs) count toward RHNA
- Assumptions must be supported by data
- Assign to income categories based on rent surveys
- Must include programs to incentivize/ encourage development of ADUs or JADUs.
- Very low-income units are typically JADUs or rent-restricted

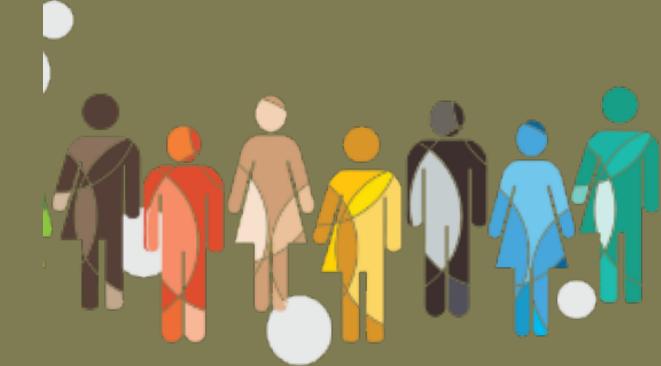


# AB 686: Affirmatively Furthering Fair Housing

Under State law, affirmatively further fair housing means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”

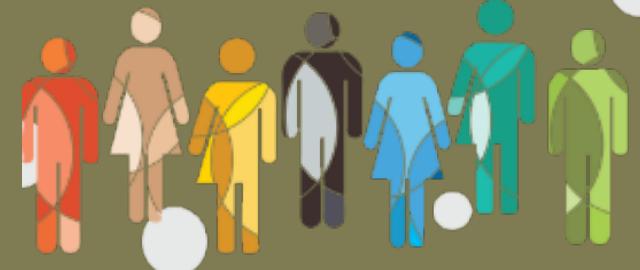
These characteristics can include, but are not limited to race, religion, sex, marital status, ancestry, national origin, color, familiar status, or disability.

# Implications of AFFH Requirements



Housing Elements must:

- Assess fair housing issues and data
- Assess fair housing outreach and enforcement
- Assess disparities in access to opportunity
- Evaluate dispersal of housing sites by income
- Evaluate displacement risk
- Evaluate factors contributing to fair housing



# SB 167 and SB 330: Housing Accountability

- 1982, Housing Accountability Act (HAA) adopted and applies to all housing types
- Prohibits the Town from disapproving, or conditioning approval in a manner that renders a housing development infeasible, provided the project is consistent with objective development standards
- Town cannot deny a project based on subjective reasoning
- SB 330 bolstered the HAA (extended from 2025 to 2030, with passage of SB 8 in September 2021)
- Further limits the Town's ability to enact new zoning rules that make it more difficult to develop housing (or reduce allowable number of units)



# Why is HAA Stronger Now Than in the Past?

- 1982 statute: Proposed housing consistent with general plan, zoning, and development standards can only be denied with over-riding health and safety findings

## AMENDMENTS:

- 1999: Required “*objective* general plan and zoning standards and criteria”
- 2002: Clarified that law also applies to “design review standards”
- 2005: Fines for projects denied without basis
- 2016: Outside organizations (not just potential residents) can challenge denial of a project
- 2017 (SB 167): Eliminates City discretion in determining consistency with standards
- 2019 (SB 330): Limits time (90 days) and number of hearings (5) before a local agency must approve or deny a housing proposal; shifts burden of proof to local agency

2021 Court decision: Upholds HAA; subjective standards not enforceable

# Objective Design Standards

- Can be verified and measured based on uniform benchmarks
- No personal or subjective judgment
- Can appear in many places: zoning districts, citywide standards, general plan standards, specific plans, other development processes
- Subjective standards are no longer enforceable

Subjective standard:

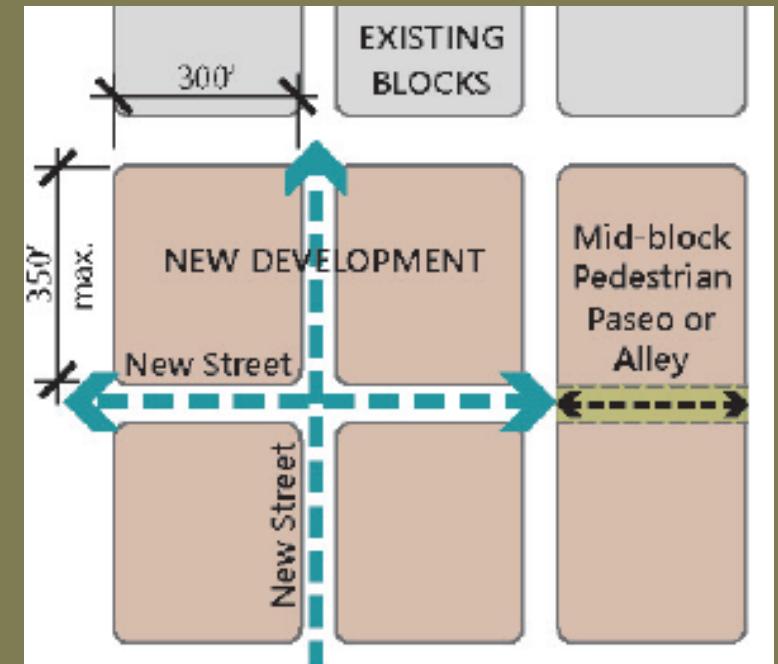
*Fences and walls should be constructed of high quality, durable materials*

Objective standard:

*Fences and walls shall be brick, stone, concrete, textured wood, iron, or steel. Chain link, barbed wire, and corrugated metal are prohibited.*

# Objective Design Standards: Common Topics

- Use regulations
- Building envelope (height, setbacks, stepbacks)
- Site design (building length, site programming, access)
- Building design and articulation (frontage types, entries, roof forms)
- Building details (materials, transparency)
- Landscape and open space (required spaces, palettes, furnishings)



# How Should Moraga Approach Objective Standards?

Opportunities for Moraga to influence housing type, form, building design:

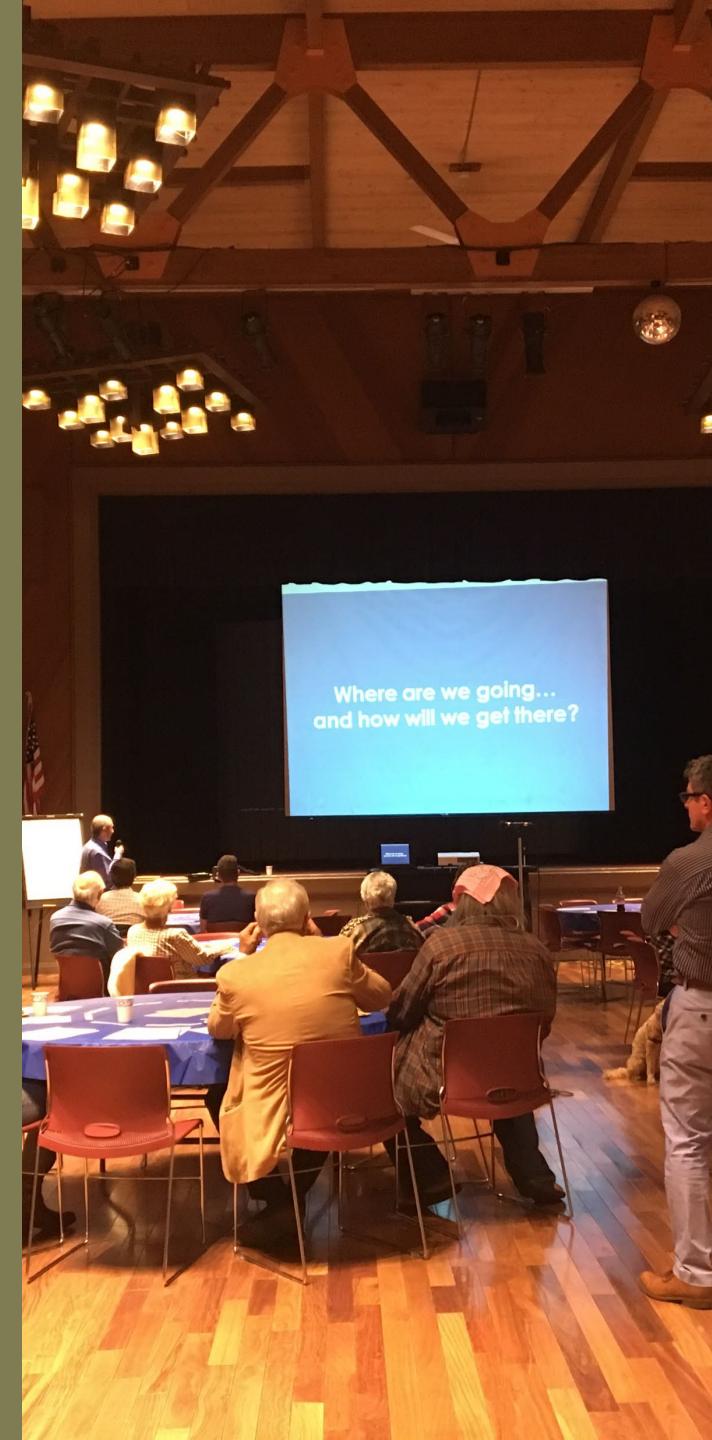
1. Include clear, objective language in the General Plan and Zoning
2. Focus on key parcels and change areas
3. Continue to utilize existing zoning standards in most residential districts
4. Include design intents, goals, and policies – but back them up with standards and zoning
5. Support the Town's ability to require good design (even with housing “streamlining” laws like SB 35)

# Update Process and Public Engagement



# Community engagement is critical

- New state laws require multiple opportunities for meaningful public involvement
- AFFH requires particular focus on opportunities for lower-income residents, tenants, non-English speakers, residents with special needs
- Create different ways to get involved (not just public hearings)



# Engagement Strategy

- Project website and surveys
- Community meetings
  - October 20 and 28
  - Future meetings in January and April
  - Pop-up events (Pear and Wine, etc.)
- Neighborhood, community, and civic organizations
- Focus group meetings (tenants, developers, St. Mary's, etc.)
- Planning Commission/ Town Council briefings
- Public hearings



## HOUSING ELEMENT

Information & Updates



The Town of Moraga is in the process of updating its Housing Element. This brochure provides information about the Housing Element and the update process.

Since 1969, every city and county in California state has been required to prepare a **Housing Element**. The Housing Element presents the community's strategy for meeting its housing needs and addressing local housing issues such as high costs, lack of supply, overcrowding, and homelessness. The Element is part of the community's General Plan, the policy document guiding long-term growth and development.

Moraga's existing Housing Element was prepared in 2014 and adopted in February 2015. The State of California requires a comprehensive update every eight years to respond to changing demographics, market conditions, and new State laws. All 101 cities and nine counties in the San Francisco Bay Area must adopt updated Housing Elements by January 2023. The new Element will guide housing decisions through 2031.

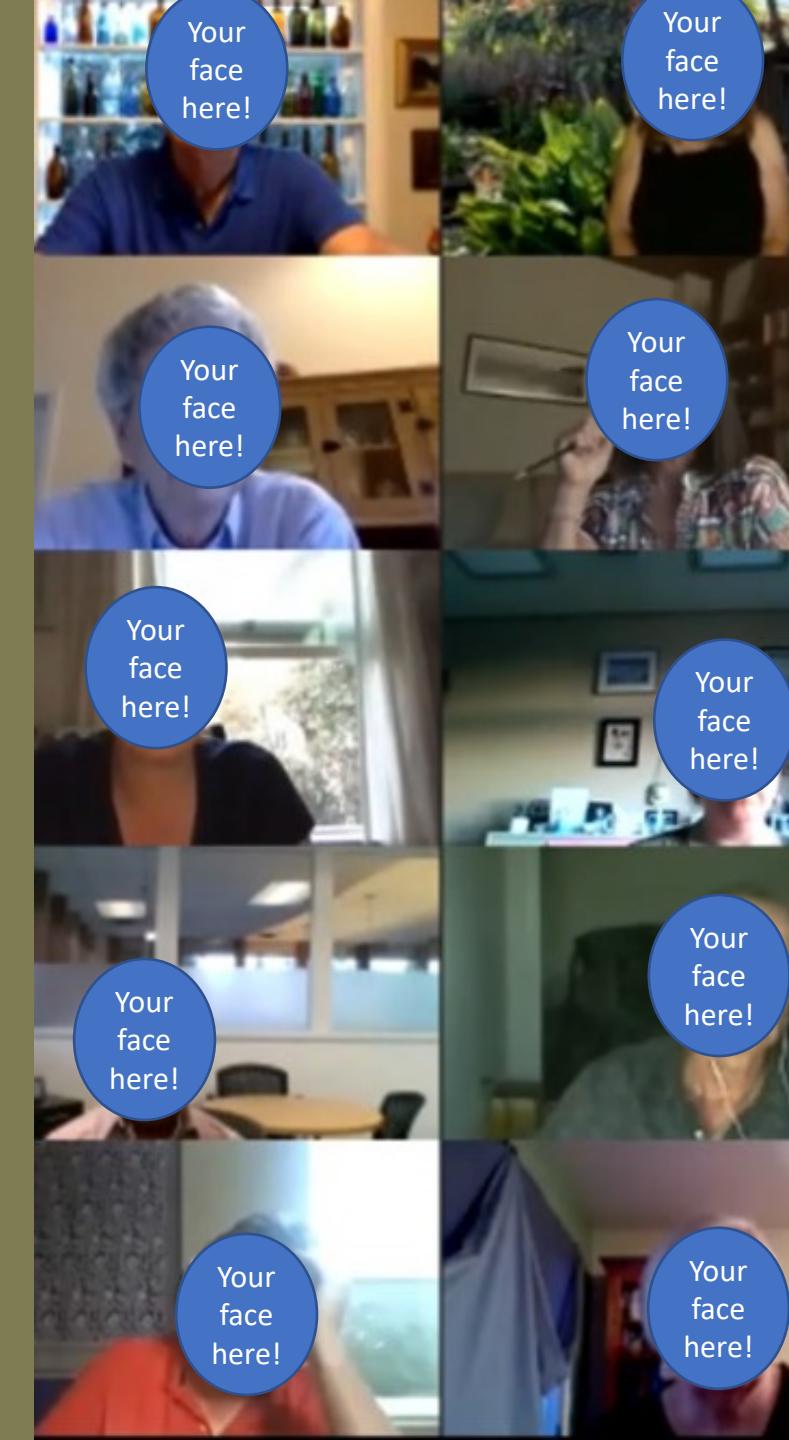
# Round 1 “Virtual” Workshops

- October 20, 2021  
6:30-8:00 PM
- October 28, 2021  
6:30-8:00 PM
- Zoom format, check Town's website for details!

[www.moraga.ca.us](http://www.moraga.ca.us)

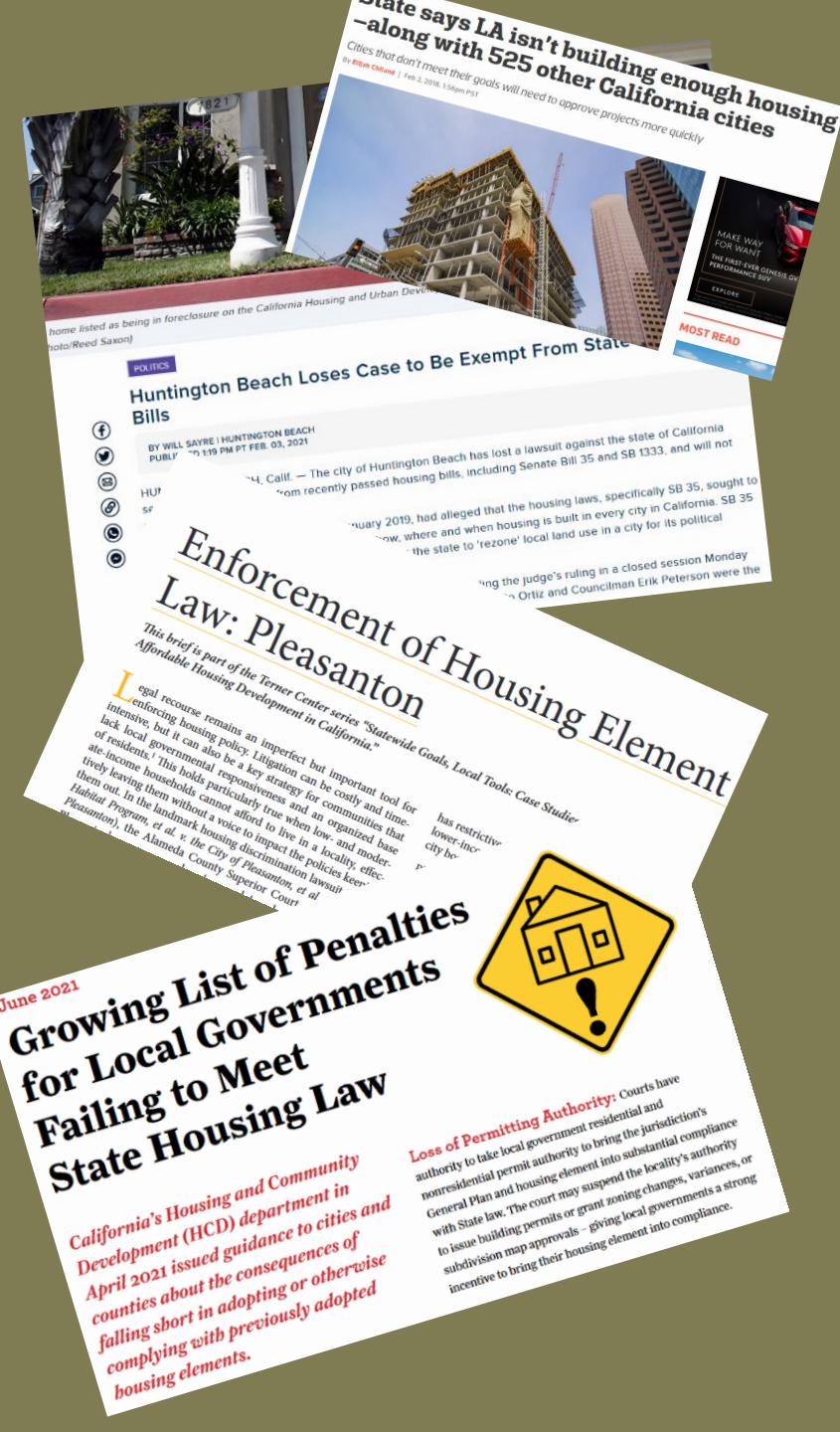
## Housing Element 101:

- What's the Housing Element?
- Why are we updating it?
- What are Moraga's housing needs?
- What concerns should be addressed as we plan?



# What if we don't comply?

- Loss of grants (housing, transportation, etc.)
- Lawsuits and attorney fees
  - States can sue
  - Developers can sue
  - Housing advocates can sue
- Financial penalties (fines)
- Loss of permitting authority
- Mandatory streamlined approvals
- Elements may be “decertified” by HCD

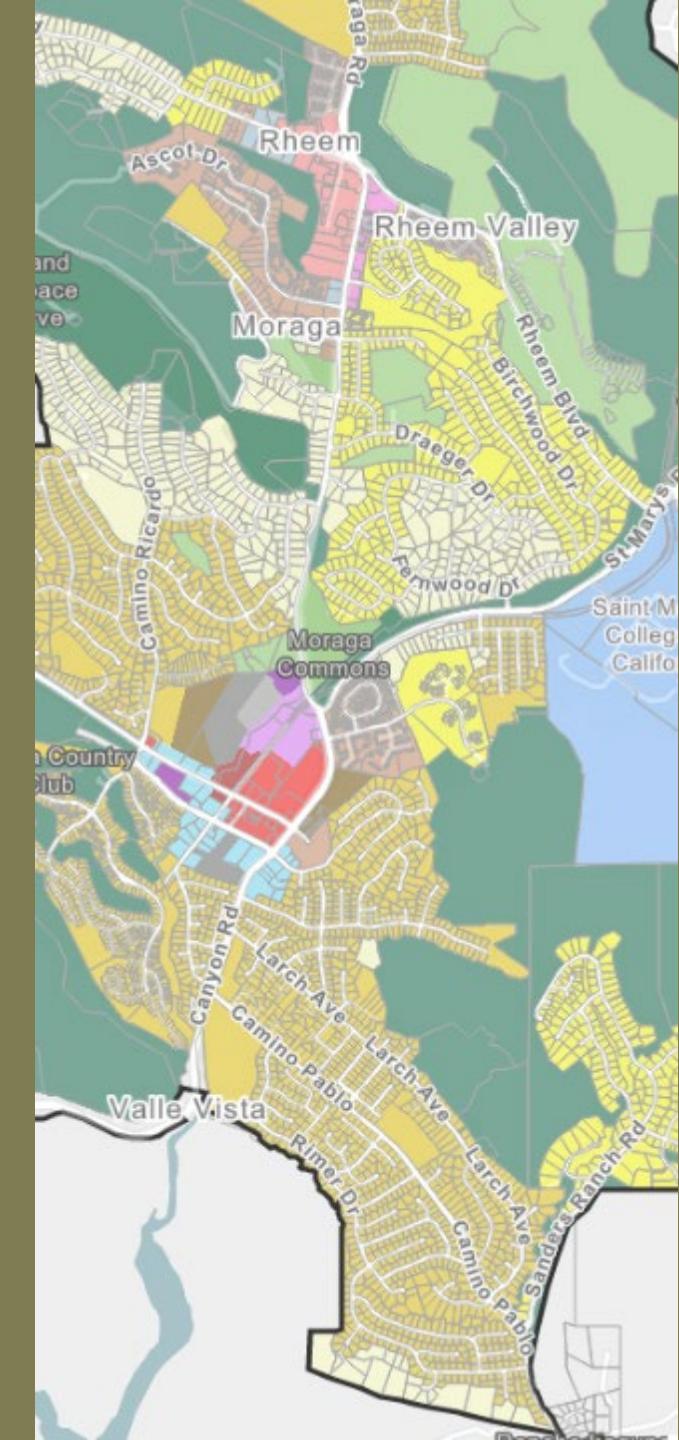


# Related Tasks: Rezoning

- Town currently has a shortfall of capacity to meet RHNA

Process will consider:

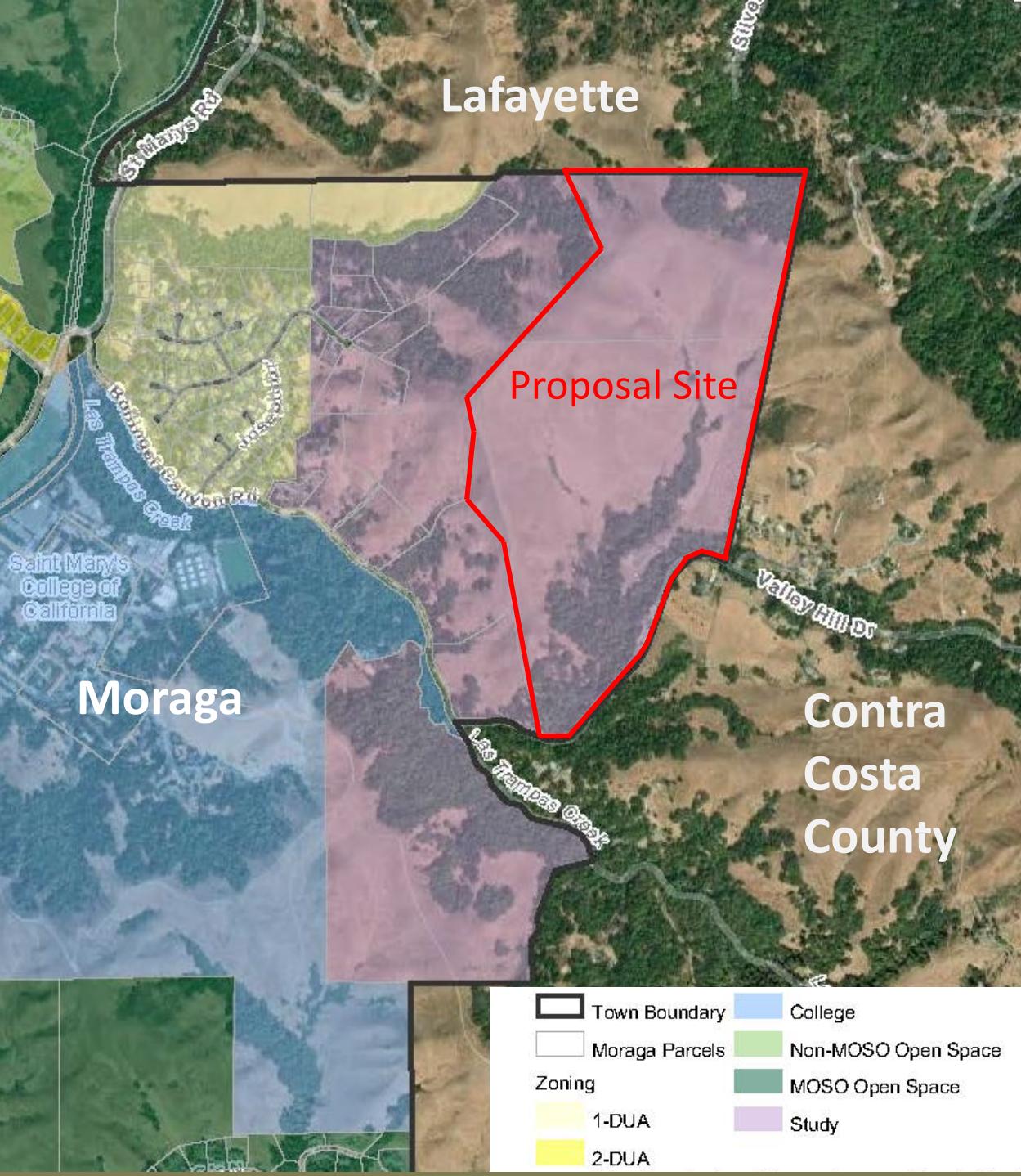
- Strategic rezoning of key properties (Rheem commercial area)
- Adjustments to existing zoning (potential increases in height and density)
- More allowances for multi-family residential uses in commercial zones



# Related Tasks: General Plan Amendments

- State requires concurrent update of Safety Element with Housing Element
- Must address:
  - Evacuation routes
  - Neighborhood ingress and egress
  - Wildfire hazards
  - Climate change resilience
- New laws also affect how we measure transportation impacts—this requires policy amendments





# Bollinger Canyon Rezone

- “Study Area” Zone since 1979 (390 acres)
- Proposed development site, first proposed 2003 (186.33 acres)
- CEQA review and analysis 2003-2018, but no certification or approval

# Bollinger Canyon Special Study Rezone

## Legal Requirements:

- Apply zoning within an established schedule
- Flexibility on which zones to apply and where

## Planning Goals:

- Resolve site uncertainties
- Clearly identify requirements for development and open space
- Explore win-win solutions
- Apply prevailing best practices in planning and zoning

# Bollinger Canyon Rezoning Timeline



# Questions for Council/ Commission Discussion

What do you see as the primary housing issues facing Moraga?

How can we best engage residents who don't typically participate?

Are there any particular housing opportunity sites we should consider?

Are there other housing topics we should evaluate?

## Comprehensive Advanced Planning Initiative: Housing Element, Rezoning, and General Plan Amendments

# Thank You!

