



Agenda Item No. 11b.

Staff Report

Date: April 14, 2022

To: Mayor Robbins and Council Members

From: David Woltering, Interim Planning and Building Director

Subject: Housing Element Annual Progress Report for 2021

Recommendation

It is recommended that the Town Council review and accept the information provided in the Housing Element Annual Progress Report (APR) for 2021 to be submitted to the Governor's Office of Planning and Research (OPR) and to the State Department of Housing and Community Development (HCD).

Background

State planning law (Government Code Section 65400) requires cities to provide a status report on the implementation of their Housing Elements as well as General Plan activities each year to the OPR and to the HCD. This report is divided into three sections: a) progress towards meeting the City's Regional Housing Needs Allocation (RHNA); b) status of Housing Element actions and programs; and c) status of General Plan activities. The Town's current Housing Element for the fifth State Housing Cycle, 2015-2023, was certified by HCD in 2015.

The purpose of this report is to provide to the Town Council for review and acceptance the State mandated Housing Element Annual Progress Report for reporting year 2021, to provide a status of the Housing Element's actions and programs, and to provide a public forum to elicit input from the community regarding the Town's housing programs.

Discussion

Progress in Meeting Regional Housing Need Allocation (RHNA)

The State of California periodically provides population growth and housing need estimates to each regional Council of Governments. Prior to its merger with the Metropolitan Transportation Commission (MTC), the Association of Bay Area Governments (ABAG) was charged with distributing what is known as the Regional Housing Needs Allocation (RHNA). The RHNA is based on projected local job and household growth, in addition to the regional housing need to jurisdictions and counties within the ABAG region. Each city's need is further categorized by income category. Table 1 identifies the Town's RHNA for the 2015-2023 period. The Town's 2015-2023 Housing Element is required to demonstrate an ability to accommodate the 2015-2023 RHNA at the various income levels through vacant or underutilized land designated to allow residential development and housing production.

Table 1 - RHNA by Income Category (2015-2023) Income Category	% of Area Median Income (AMI)	RHNA
Extremely- and Very-Low Income	0 – 50% of AMI	6
Low Income	51 – 80% of AMI	4
Moderate Income	81 – 120% of AMI	4
Above Moderate Income	>120% of AMI	4
TOTAL		18

Table 2 - RHNA Progress- Permitted units Issued by Affordability

Income Category	RHNA	2015	2016	2017	2018	2019	2020	2021	Total Units to Date	Total Remaining RHNA
Very-Low	6	1	1	0	0	2	2	0	6	0 (0%)
Low	4	0	0	0	0	2	1	1	4	0 (0%)
Moderate	4	1	1	1	1	0	0	0	4	0 (0%)
Above Moderate	4	0	0	0	0	2	0	0	2	2 (50%)
Total RHNA	18	2	2	1	1	6	3	1	16	2 (11%)

Table 2 illustrates the Town's building permit activity since January 1, 2015. To date, sixteen (16) new housing units, or approximately 89% of the Town's RHNA units have been permitted for construction. Construction of two (2) additional above moderate-income units would complete the Town's allocation for the 2015-2023 Housing Element cycle. It is anticipated the Town will have added all the allocated units by the end of the current housing cycle. It is important to note that by adopting the 2015-2023 Housing Element, the Town fulfilled its RHNA obligation. Completing the allocation through construction of units merely demonstrates the accuracy and effectiveness of the planning, goals, and policies of the Housing Element.

2015-2023 Housing Element Progress Report

The Housing Element identifies 5 goals, 25 policies and 29 programs. Attachment 1 lists in detail the various programs implementing the updated Housing Element goals and policies, with their status.

Fiscal, resource and timeline impacts

No fiscal impact other than staff's time to prepare the staff report and attachments.

Alternative actions

None

Environmental review (if applicable)

This annual report is exempt from the requirements of the California Environmental Quality Act (CEQA) as it is not a “project” as defined in CEQA Guidelines Section 15378(b)(5).

Attachment

2015-2023 Housing Element Implementation Program Progress Report

No.	Town of Ross 2007-2025 General Plan and 2015-2023 Housing Element Implementation Program and Local Hazard Mitigation Plan	Timeline in Original Plan	Completed	In Progress	Not Completed / Deferred	Result	Evaluation	Continue/Modify/Delete
Goal 10 Provision of Affordable Housing Opportunities								
H.E. 1.)	Housing Element							
H1.A	Prepare Information and Conduct Outreach on Housing Issues. Coordinate with local businesses, housing advocacy groups and neighborhood groups in building public understanding and support for workforce and special needs housing. Through written materials and public presentations, inform residents of housing needs, issues, and programs (second units, rental assistance, rental mediation, rehabilitation loans, etc.).	Ongoing		X		Due to limited staff resources (one planning department employee), the Town has not conducted any special public presentations on housing issues. Town staff informs residents of housing programs, such as the second unit program (AKA Accessory Dwelling Unit) as opportunities arise. The Accessory Dwelling Unit regulations per Chapter 18.42 of the Ross Municipal Code, are also provided on the Town's website.	Mostly successful. Town staff provided written material and verbally informed residents of housing programs, particularly the second unit program. Several second units were developed in the housing period.	The Town will continue this program. The terminology of "Second Unit(s)" was modified to "Accessory Dwelling Unit(s)" consistent with State regulations.
H1.B	Collaborate in Inter-Jurisdictional Planning for Housing. Work toward implementing, whenever possible, agreed-upon best practices, shared responsibilities and common regulations to efficiently and effectively respond to housing needs within a countywide framework.	Ongoing		X		Ongoing.	Town was involved with One Bay Area regional transportation and planning effort in 2011-2013 which provided the most current Regional Housing Needs Allocation (RHNA). Town staff was also involved with the ABAG/MTC Plan Bay Area 2040 planning effort setting the grounds for the next RHNA. The Town's Director of Planning and Building also participates in the newly formed Planning Directors Housing Working Group, which is comprised of local Marin municipalities, the County, MTC/ABAG and TAM staff. In 2020, completed Objective Design Standards project and ADU toolkit is in progress	Continue.
H1.C	Disseminate Fair Housing Information. The Planning Director is the designated Equal Opportunity Coordinator in Ross and will ensure that written materials regarding fair housing law are provided at various public locations in the town and that information regarding fair housing agencies and phone numbers is posted at Town Hall, the Post Office, and local transit locations where feasible. The Planning Director will provide information to real estate professionals, property owners and tenants on their rights, responsibilities, and the resources available to address fair housing issues.	Ongoing		X		Currently implementing.	Ongoing.	Continue.

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H1.D	Respond to Fair Housing Complaints. The Planning Director will investigate and deal appropriately with fair housing complaints. The Town will refer discrimination complaints to the appropriate legal service, county or state agency, or Fair Housing of Marin. If mediation fails and enforcement is necessary, refer tenants to the State Department of Fair Employment and Housing or HUD, depending on the nature of the complaint.	As needed		X		Ongoing.	No complaints have been received since Housing Element was adopted.	Continue.
H.E. 2.0	Maintain and enhance existing housing and blend well-designed new housing into existing neighborhoods			X				
H2.A	Housing Design Review. The Town will continue to implement the housing design review process, including voluntary advisory design review, and the criteria set forth in Chapter 18.41 of the Ross Zoning Code.	Ongoing		X		Currently implementing.	Ongoing.	Continue.
H2.B	Enforce Zoning and Building Codes. The Town will continue to enforce the current zoning code in residential neighborhoods and will discourage demolitions without rebuilding and overbuilding on lots through the design review process. The Town will continue to implement the hillside ordinance (Chapter 18.39 of the Ross Zoning Code) in facilitating the orderly development of hillside lots. The Town will also continue to require homes to comply with the Building Code through implementation of the Residential Building Record Report program.	Ongoing		X		Currently implementing.	Ongoing.	Continue.
H2.C	Implement Rehabilitation Loan Programs. Provide handouts and refer people to the Marin Housing Authority for available loan programs to eligible owner-and renter-occupied housing. Require fire and code officials to hand out information on MHA loans to appropriate lower-income homeowners when performing routine inspections. Objective: Loans provided to rehabilitate housing for very low income households (3 new loans in total).	Ongoing		X		Currently implementing.	Ongoing.	Continue.
H2.D	Review Hillside Lot Ordinance. The Town Council will undertake a comprehensive review of the Hillside Lot Ordinance and amend the ordinance to clarify development guidelines and to include specific methods to determine slope calculations.	July 2010	X			Hillside Lot Ordinance reviewed and updated by Ordinance 620 adopted 2009 and further amendment in 2010.	Completed, however, the calculation of slope continues to be problematic.	Consider modifying to address slope calculation issue.
H.E. 3.0	Use our Land Efficiently To Increase the Range of Housing Options and to Meet Housing Needs For All Economic Segments Of The Community							

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H3.A	Facilitate Development at High Potential Housing Opportunity Sites. Undertake implementing actions to facilitate the construction of affordable housing at multi-family housing sites identified in the Town's Available Land Inventory at The Branson School and the Marin Art & Garden Center. Objectives and timeframe: Encourage development of six affordable units, one affordable to very low income households and three affordable to low income households.	June 2014				No applications submitted to the Town for processing, therefore, no units developed.	No applications received. There is an opportunity the adoption of new regulations to create objective development standard and design criteria for the development of workforce/affordable housing and streamline environmental review pursuant to the California Environmental Quality Act. There is possible grant funding to offset the creation of the regulations.	Continue.
a.	Provide flexibility in applying development standards (e.g., parking, floor area, setback, height), subject to the type of housing, size and unit mix, location and overall design.	Nov. 2011	X			Completed by Ordinance 614 (2009), Ordinance 631 (2012), Ordinance 679 (2016), and Ordinance 679 (2017)		Delete. Successfully completed.
b.	Provide fast-track processing and ensure that affordable housing developments receive the highest priority. Efforts will be made by the Town's staff and Council to: 1. provide technical assistance to potential affordable housing developers in processing requirements, including community involvement; 2. consider project funding and timing needs in the processing and review of the application; and 3. provide the fastest turnaround time possible in determining application completeness.	Ongoing		X		No affordable housing development projects have been received for the high potential housing opportunity sites.		Continue.
c.	Waive or reduce fees on a sliding scale related to the levels of affordability; possibly including a rebate of planning and building fees for units intended to be affordable to very low income households.	Nov. 2011		X		No requests for fee reduction have been requested.	Ongoing.	Continue.
d.	Amend the municipal code to allow residential development as a permitted use in the Community Cultural District where such development is ancillary to permitted uses enumerated in Municipal Code Section 18.28.030. Such residential development will not require a conditional use permit.	Nov. 2011	X			Completed by Ordinance 631 (2012).		Delete. Successfully completed.
H3.B	Implement Actions for Town-owned property at 37 Sir Francis Drake Boulevard. Develop up to 4 additional affordable units on this Town-owned property. The Town will take the following actions to promote the development of affordable housing on the site by 2014:				X	Current zoning allows for multifamily housing development. No units developed.	The town has not pursued development of the units. The Town Council is conducting a fiscal analysis for the site.	Modify to allow flexibility for Town or private development of the site
a.	Seek funding through local, state and federal programs and community foundations.				X	No funding sought for unit development.		See above
b.	Consider implementation of an affordable housing impact fee to provide a portion of the project's funding. Any proposed affordable housing impact fee must take into consideration the burden of total building and planning permit fees on potential development.				X	No impact fee established.		See above
c.	Maintain the units as affordable rental housing for low and very low income households, utilizing income eligibility requirements and affordability standards as published annually by HCD.				X	Units were not constructed.		See above

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d.	Seek a partnership with a non-profit organization to develop and maintain the units.	December 2011			X	No partnership sought.		See above
e.	In concert with a non-profit partner, retain an architect to develop plans for up to 4 additional affordable units on the site	June 2012			X	February 2006, Town Council considered programmatic design for development. No action has been taken since.		See above
f.	Town Council to act on non-profit partner's development proposal.	December 2012			X	No partnership sought.		See above
	Objective: to achieve 2 units affordable to very low and 2 units affordable to low income households.	June 2014			X	No units developed.		Modify for 1 to 4 units and reclassify to Low Income units since the Town is likely to meet its RHNA allocation due to amount of approved and permitted Very-Low income deed restricted Accessory Dwelling Units.
H3.C	Amend the Municipal Code to Encourage Development of Multi Family Housing in the Commercial and Civic Districts.							
a.	Amend the municipal code to allow multi-family housing in the Civic District and residential units mixed with commercial development in the Commercial District as permitted uses that do not require a conditional use permit.	Nov. 2011	X			Completed by Ordinance 631 (2012)		Delete. Successfully completed.
b.	Establish development standards in the C-L District that will facilitate the development of multi-family housing, such as: one parking space per unit; a building height of 30 feet; lot coverage of 100%; and, a floor area ratio of 1.3.	Nov. 2011	X			Completed by Ordinance 631 (2012)		Delete. Successfully completed.
c.	Establish development standards in the C-D District that will facilitate the development of multi-family housing, such as: one parking space per unit; a building height of 30 feet; lot coverage of 50%; and, a floor area ratio of 0.5.	Nov. 2011	X			Completed by Ordinance 631 (2012)		Delete. Successfully completed.
H3.D	Amend the Municipal Code to Allow Single Room Occupancy Units in the Commercial District. In order to provide housing for extremely low income households, the Town will amend the municipal code to specifically allow single-room occupancy units in the commercial district as a conditional use. Amend zoning ordinance. Provide housing for four extremely low income households.	Nov. 2011	X			Completed by Ordinance 631 (2012)		Delete. Successfully completed.

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H3.E	Amend the Municipal Code to Permit Transitional and Supportive Housing. To encourage transitional and supportive housing, especially for extremely low income households, the Town will amend the municipal code governing all residential zoning districts to permit transitional and supportive housing as a residential use, subject only to those regulations that apply to other residential dwellings of the same type in those zones. Add definition for —Supportive Housing to the municipal code. Goal: Housing for 4 extremely low income households	Nov. 2011	X			Completed by Ordinance 631 (2012)		Delete. Successfully completed.
H3.F	Modify Second Dwelling Unit Development Standards and Permitting Process. Modify the second unit ordinance to encourage larger units affordable to moderate income households and to encourage a greater rate of second unit development. Objective: 8 additional second units by 2014.							
a.	Establish a discretionary review process to allow design review of second units that do not meet development standards for ministerial review and approval. Adopt development standards that allow unit size up to 1,200 square feet and allow units to be newly constructed on second stories, subject to design review approval.	Nov. 2011	X			Completed by Ordinance 614 (2009), Ordinance 631 (2012), Ordinance 679 (2016), and Ordinance 679 (2017)		Delete. Successfully completed.
b.	Require no more than one screened, off-street parking space for a unit between 700 and 1,200 square feet in size.	Nov. 2011	X			Completed by Ordinance 625, Adopted October 2011. The Accessory Dwelling Unit regulations were further amended by Ordinance 678 (2016), Ordinance 679 (2017) in order to comply with state legislation which was intended to streamline and encourage accessory dwelling units.		Delete. Successfully completed.
c.	Provide information about the new second unit ordinance through ongoing communications, including Town meetings, email notices, the town newsletter, and the Town website, as well as through the local newspaper and the Ross Property Owners Association's newsletter upon adoption of new ordinances.	Ongoing		X		Continuing program.	Successful. Many new second/accessory dwelling units developed since the adoption of Ordinance 614 (2009), Ordinance 631 (2012), Ordinance 679 (2016), Ordinance 679 (2017), Ordinances 703 and 708 (2020)	Continue.
d.	Encourage second unit development through the advisory design review process and through Town publications and planning materials.	Ongoing		X		Continuing program.	Ongoing.	Continue.
e.	Advise owners of Marin Municipal Water District's fee reduction program for deed-restricted low income second units.	Ongoing		X		Ongoing	Ongoing.	Continue.
f.	Waiving or reduce the second unit permit fee.	Nov. 2011	X			Consistent with SB 1186, the Town's Fee schedule includes reduced fees associated with the processing of both ministerial and discretionary Accessory Dwelling Units.	Ongoing.	Continue.

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H3.G	Encourage Legalization of Existing Illegal Units. Require property owners to legalize existing second units through more rigorous application of code enforcement procedures. Consider waiving second unit permit fees for legalized units. Advise owners of Marin Municipal Water District's fee reduction program for deed-restricted low income second units. Objective: legalization of 2 units by June 2014.	June 2014		X		Code enforcement is ongoing and the Town encourages legalization of accessory dwelling units when consistent with the Town's regulations.	The Town's code enforcement process may result in the legalization of future units.	Continue.
H3.H	Require Secondary Dwellings to Be Permitted as a Second Unit, Guesthouse or Caretaker Unit. The Town will require all secondary dwellings with a kitchen or electrical wiring and/or plumbing for potential use of a kitchen, a full bathroom, and a sleeping area or separate bedroom to be permitted as either a second unit, caretaker unit or guesthouse. The Town will consider allowing properties with two secondary dwellings to permit both as second units. Goal: 4 low income 2nd units, 3 moderate income 2nd units, 4 very low or exceptionally low income guesthouses/caretaker units.	June 2011	X			Completed by Ordinance 614 (2009), Ordinance 631 (2012), Ordinance 679 (2016), and subsequent Ordinance 679 (2017) allows Council to grant up to two second units on a parcel.	The Town's regulations do not clearly prohibit residents from installing more than one kitchen without an accessory dwelling unit, caretaker unit or guest house. Pool houses often have kitchens and are not counted as living units.	Delete. Successfully completed.
H3.I	Incentivize Property Owners to Deed Restrict Second Units to be Affordable to Very Low Income Households. Goal: 4 very low second units.		X					
a.	Relax development standards for property owners that agree to deed-restrict their second unit to be affordable to a very low income household. Consider offering a bonus of up to 500 square feet of additional living area over the square footage allowed under existing development standards.	June 2011	X			Ordinance 625, adopted October 2011, and subsequent Ordinances 678 (2016) and Ordinance 679 (2017) allows Council to grant FAR bonus up to 500 square feet to certain property owners that agree to deed restrict their newly constructed second unit to be affordable to very low income households.	The program has been successful in encouraging the development of accessory dwelling units.	Delete. Successfully completed.
b.	Waive or reduce fees when the second dwelling unit is providing documented affordable housing for very low income households.	June 2011			X	No fee waivers are currently permitted in the Town Master Fee Schedule since the town must cover the cost of providing services.	Ongoing.	Delete, contained in another program that will continue.
c.	Determine affordability levels for very low income units using income levels established by HCD.	Ongoing		X		Determined annually when HCD releases income levels.	Ongoing.	Continue.
d.	Require very low income units to be maintained as affordable units for a minimum of 15 years.	June 2011	X			Ordinance 625, adopted October 2011 and subsequent Ordinances 678 2016 and subsequent Ordinance 679 (2017) that requires 20 year rent restriction for accessory dwelling units seeking a floor area exception per Chapter 18.42 of the Ross Municipal Code.	Ongoing.	Delete. Successfully completed.
H3.J	Facilitate Development of Housing for Extremely Low Income Households. Undertake implementing actions to facilitate the construction of affordable extremely low income housing, including single room occupancy housing. Goal: 4 extremely low income households.							

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a.	Provide flexibility in applying development standards (e.g., parking, floor area, setback, height), subject to the type of housing, size and unit mix, location and overall design.	Ongoing	X			Relaxed development standards adopted through Ordinances 614 (2009), 625 (2011), 631 (2012), 641 (2013), 678 (2016), and subsequent Ordinance 679 (2017).	Changes to Accessory Dwelling Unit regulations have resulted in new units.	Delete. Successfully completed.
b.	Provide fast-track processing and ensure that affordable housing developments receive the highest priority. Efforts will be made by the Town's staff and Council to: 1. provide technical assistance to potential affordable housing developers in processing requirements, including community involvement; 2. consider project funding and timing needs in the processing and review of the application; and 3. provide the fastest turnaround time possible in determining application completeness.	Ongoing		X		Few affordable housing projects have been proposed.	Limited success because of lack of affordable housing developments seeking permits	Continue.
c.	Waive or reduce fees, possibly including a rebate of planning and building fees for units intended to be affordable to extremely low income households.	Ongoing			X	No fee waiver requests have been received. The average processing time for an accessory dwelling unit is 2-3 months.	The program may result in encouraging the development of affordable housing. The Master Fee Schedule would need to be modified to identify that fee waivers may be requested for affordable housing.	Delete, contained in another program that will continue.
d.	Prioritize funding from a local affordable housing impact fee or from other local, state and federal sources and community foundations for the development of extremely low income housing.	Ongoing		X		No funding sources have been identified or prioritized.	Offering funding for unit development would be an incentive for extremely low income housing.	Continue to consider funding through annual priority setting.
H3.K	Adopt State-Mandated Density Bonus Ordinance. The Town will adopt a density bonus ordinance in compliance with Government Code Section 65915.	Nov. 2011	X			Completed with adoption of Ordinance 631 (2012).	No density bonuses have been requested, but they are available.	Delete. Successfully completed.
H4	Provide Housing for Special Needs Populations							
H4.A	Assure Good Neighborhood Relations Involving Emergency Shelters, Residential Care and Other Special Needs Facilities. Encourage positive relations between neighborhoods and providers of emergency shelters, supportive and transitional housing, residential care facilities and other special needs facilities. Providers and sponsors of emergency shelters, transitional housing programs and community care facilities will be encouraged to establish outreach programs with their neighborhoods.	Ongoing		X		No applications were received in the current cycle.		Continue.
H4.B	Engage in Countywide Efforts to Address Homeless Needs. Actively engage with other jurisdictions in Marin to provide additional housing and other options for the homeless, supporting and implementing Continuum of Care actions in response to the needs of homeless families and individuals. Participate and allocate funds, as appropriate, for County and non-profit programs providing emergency shelter and related counseling services, including Homeward Bound of Marin.	Ongoing		X		Continuous program.	Ongoing.	Continue.
H4.C	Utilize and Support Available Rental Assistance Programs. Develop and implement measures to make full use of available rental assistance programs. The Town will:							

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a.	Maintain descriptions of current programs to hand out to interested persons, and refer people to the Marin Housing Authority Assistline for additional information on the Section 8 Program, Shelter Care Plus, Rebate for Marin Renters, and other rental assistance programs.	Ongoing		X		Currently implementing.	Ongoing.	Continue.
b.	Continue to provide annual funding support to the Rebate for Marin Renters program.	Ongoing			X	Town contributed \$600 in 2011 towards Marin Housing Authority Housing Stability Program (formerly Rebate for Marin Renters Program).	Funding has not been continuous.	Delete program due to Town financial concerns.
H4.D	Provide Information on Reasonable Accommodation. The Building Official, the Town's ADA Coordinator, will manage Town compliance with the nondiscrimination requirements of Title IIA of the Americans with Disabilities Act (ADA). Direct questions, concerns, complaints, and requests regarding accessibility for people with disabilities to the Town's ADA Coordinator. Provide information to the public regarding reasonable accommodations related to zoning, permit processing and building codes on the Town's website and in Town application forms and other publications.	Ongoing		X		Under California Civil Code 55.53(d)(1-3) the Town is required to retain at least one building inspector who is a certified access specialist to consult with the Town, applicants and public on compliance with state construction-related accessibility standards with respect to inspections, permitting and plan check services of a place of public accommodation. Planning staff is available to provide information on reasonable accommodation.	Ongoing.	Continue.
H4.E	Adopt a Reasonable Accommodation Ordinance. Adopt an ordinance to provide individuals with disabilities reasonable accommodation to ensure equal access to housing in accordance with fair housing laws. The ordinance will establish a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies and procedures. The procedure will be a ministerial process, subject to approval by the Planning Director applying defined criteria.	December 2010	X			Completed by adoption of Ordinance 631 (2012)	Ongoing. No reasonable accommodation applications have been submitted.	Delete. Successfully completed.
H5.0	Monitor Accomplishments to Effectively Respond to Housing Needs							
H5.A	Conduct an Annual Housing Element Review. Assess Housing Element implementation through annual review by the Ross Planning Department and Town Council. Provide opportunities for public input and discussion, in conjunction with State requirements for a written review by April 1 of each year, as per Government Code Section 65400. Based on the review, establish annual work priorities for the Planning Department and Town Council.	April each year		X		Ongoing	The annual review for 2014 was waived during the Housing Element Update. The annual reviews for 2015 and 2016 were submitted to HCD and OPR without a public meeting. The annual reviews for 2017, 2018, 2019, and 2020 were submitted to HCD and OPR with the benefit of public meetings. The 2021 annual review is scheduled for the Town Council meeting of April 14, 2022 and will be submitted to HCD and OPR immediately thereafter.	Continue.

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H5.B	Update the Housing Element Regularly. Undertake housing element updates as needed, including an update to occur no later than June 30, 2014, or in accordance with State law requirements.	June 2014		X		Ongoing	Housing Element annually update.	Continue.