

Questions and Answers regarding May 17th Public Hearing

1. What actions is the City Council considering on May 17th?

Answer: The City Council is considering amending the zoning regulations and other necessary documents to allow for multi-family units at a density of 3-5 dwelling units per acre in conjunction with a public use at 17765 Dave Avenue.

2. How many units does the proposed zoning allow for at 17765 Daves Avenue (first Baptist Church)?

Answer: The City is considering zoning that would allow a maximum of 15 units on the site. The Development standards are the same as the single family R-1-8 standards in the neighborhood.

3. How did the City provide notice to the neighbors?

Answer: The City mailed public hearing notices to all property owners within 300 feet of the proposed site on April 22nd for the Public Hearing that was conducted on May 3rd. At the May 3rd meeting the City Council continued the Public Hearing to May 17th. A second public hearing notice was mailed on May 6th to all property owners within 300 feet of the project and to all public speakers at the May 3rd meeting. The City also emailed the Public Hearing notice to all subscribers of the City's email communications. The Public Hearing Notice is also posted on the City's website with a link on the front page.

4. The City Council is considering adopting an Addendum. What is an Addendum?

Answer: An addendum is a document that evaluates the potential environmental impacts related to any changes in circumstances since the adoption of the Housing Element Mitigated Negative Declaration on May 19, 2015.

5. If the City Council approves the zoning what is the next step? Will the neighbors be allowed to provide input on layout, design and aesthetics?

Answer: Future development of the site is up to the property owner. The City does not build housing. Any proposed development would require, subdivision approval and environmental review (if subdivision is proposed) and the approval of a Site Development Permit (Design Review) as would be required for any single family development in the City. These permit processes require neighborhood notification and a Public Hearing prior to the City Council considering approval or denial of the project.

6. Does the law require the City to build housing? Does the City have to look to other sites to build housing if it is not built?

Answer: No, State law requires each city and county to plan for their "fair share" of the region's housing need. Each region's Council of Government determines the fair share after the State has allocated the overall statewide need by region. In the San Francisco Bay Area, the Association of Bay Area Governments (ABAG) determines the fair share for each community, through a process known as the Regional Housing Needs Allocation (RHNA). Monte Sereno is not responsible for building the RHNA allocated units but, rather, must provide zoning opportunities within the City that would allow at least 61 units during the 2014-2023 planning cycle. 46 of the units are anticipated to be single family homes and secondary dwelling units. The RHNA represents a planning target, not a building quota. So long as the City provides sufficient sites and does not impose constraints to development (i.e. by imposing unduly burdensome regulations), the City is not penalized for falling short of its RHNA goals.

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California Government Code 65583 states, “The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. **The housing element shall identify adequate sites for housing**, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:”

Section 65583 (a)(3) requires that the City prepare “**An inventory of land suitable for residential development**,” including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

The California Department of Housing and Community Development (HCD) regulates and must approve the adopted Housing Elements of all cities in California. The Department’s website provides many resources to help explain the requirements. In particular, the following quote is from the [State’s Housing Resource page](#) and also contained in [HCD’s Housing Element Law Overview](#).

“The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain housing development.”

7. What is the Housing Element?

Answer: The Housing Element is one of the mandatory elements that must be included in a City’s General Plan. The Housing Element provides goals, policies and actions that help the City plan for the housing needs of all economic segments. Housing Element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The Housing Element is required to be updated every 4-8 years and must be found to be in compliance by the California Department of Housing and Community Development. The City Council approved the 2015-2023 Housing Element on May 19, 2015. It was certified (approved) by the State Housing and Community Development Department on August 19, 2015.

8. What are the items that must be included in a Housing Element?

Answer: The Housing Element must cover the following topics:

- *Public Participation process*
- *Analysis of existing needs, including the number of people living in substandard or overcrowded housing, people paying more than they can afford for housing costs and people with special needs.*
- *Analysis of projected needs, including the allocation of income-specific housing needs developed by the Association of Bay Area Governments (ABAG).*
- *A site inventory where residential development is allowed, as well as supported by infrastructure capacity.*
- *Analysis of governmental and non-governmental constraints on housing development.*
- *Evaluation of progress in meeting goals and objectives from the previous Housing Element.*
- *Programs, policies and objectives that the City will adopt to assist the development of housing for different household income levels and special need groups, ensure equal housing opportunity and preserve and improve the existing housing stock.*

9. Who prepares and certifies the Housing Element?

Answer: With the assistance of a consultant, the City of Monte Sereno prepares and adopts the Housing Element. The State reviews the Element and determines whether it conforms with State law.

10. How much housing do we need to plan?

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Answer: State law requires each city and county plan for their “fair share” of the region’s housing need. Each region’s Council of Government determines the fair share after the State has allocated the overall statewide need by region. In the San Francisco Bay Area, the Association of Bay Area Governments (ABAG) determines the fair share for each community, through a process known as the Regional Housing Needs Allocation (RHNA). ABAG has determined that Monte Sereno’s RHNA for the upcoming Housing Element cycle is:

<i>Very Low Income</i>	<i>23 units</i>
<i>Low Income</i>	<i>13 units</i>
<i>Moderate Income</i>	<i>13 units</i>
<i>Above Moderate</i>	<i><u>12 units</u></i>
<i>TOTAL</i>	<i>61 units</i>

46 of the units are anticipated to be single family homes and secondary dwelling units. Monte Sereno is not responsible for building these units but, rather, must provide zoning opportunities within the City that would allow at least 61 units. So far, the City has issued Building Permits for 5 units in 2014 and 7 units in 2015.

11. How is a City’s RHNA determined?

Answer: This is a complex process that begins with the State of California. The State prepares projections about expected population growth in the state and then allocates a portion of the total state population growth to each region. Regional planning organizations in turn distribute the regional allocation among local jurisdictions. There are three primary objectives in allocating the units to local jurisdictions: increasing housing supply, affordability and housing type; encouraging infill and efficient development; and, promoting a jobs/housing balance.

12. What has Monte Sereno done to challenge the determination by the Association of Bay Area Governments (ABAG) that assigned Monte Sereno the RHNA allocation of 61 units for the 2014-2023 period?

Answer: The City of Monte Sereno has actively worked through various professional associations and with elected State officials to continue to represent the concerns of small built-out communities. However, the City Regional Housing Needs Allocation formula for the bay area cities was set without exception to the methodology and formulas used to determine Monte Sereno’s fair share.

13. Can Monte Sereno comply with the housing laws solely with Second Units?

Answer: No, the projection of realistic capacity for Secondary Dwelling Units is regulated by State Law. California Government Code Section 65583.1 clarifies the existing housing element law to allow identification of realistic capacity for second-units in addressing a locality’s share of the regional housing need. The identification of realistic capacity should be based on the development trends of second-units in the previous housing element planning period and other relevant factors. See also Page [40-41 of Housing Element](#) for discussion on this issue.

Additionally, pursuant to Government Code Section 65583(a)(3) the inventory of sites must contain a variety of housing types including multifamily housing. Secondary dwelling unit do not count as multifamily units so the City must provide an opportunity for multi-family housing, aside from the Secondary Dwelling Units.

14. What has Monte Sereno done to work with other cities to address housing on a regional basis?

Answer: The California Housing Element law applies to all cities. There is no exception from compliance. The City is participating in discussion with other cities in Santa Clara County to consider forming a “sub-region” among cities to allow for compliance with the RHNA allocation on a regional basis. This has been done successfully by the cities in San Mateo County. However, the formation

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of a sub-region cannot happen until the next planning cycle beginning after 2023. City elected officials and City staff are meeting on a regular basis through professional organizations to continue to support the formation of a sub-region.

15. What are the pros and cons of simply ignoring these housing laws? What are the consequences of simply not complying?

Answer: Communities that do not comply with the housing element or State housing laws have been frequently challenged, and successful plaintiffs can receive substantial attorneys' fees along with other remedies.