

**TOWN OF CORTE MADERA
PLANNING AND BUILDING DEPARTMENT**

MEMORANDUM

December 4, 2009

TO: Citizens' Advisory Committee for the Housing Element

FROM: Robert Pendoley, Planning Director / Assistant Town Manager

SUBJECT: December 9, 2009 Agenda

The December 9 meeting will focus on the Constraints Analysis and a discussion of what we need to do to finish up the process so that we can issue a draft Housing Element.

3. Continued Business

3.A. Discussion of draft Site Inventory and Analysis

At the October 21 meeting, you asked staff to investigate the pro's and con's of listing the commuter parking lot at Old Corte Madera Square as a possible housing site. I will have an oral report and recommendation for your consideration.

4. New Business

4. A. Discussion of draft Housing Constraints

I have attached a draft of Section 5.0, Housing Constraints, for your review and comments. The California Department of Housing and Community Development (HCD) has very detailed requirements for the constraints analysis, which they summarize this way:

The element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for persons with disabilities. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing. The analysis should determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a jurisdiction from meeting its housing needs.

HCD requires analysis of constraints to housing in six specific categories:

- *Land use controls.* We must analyze all relevant land use controls and assess their effect on the cost of housing, including whether the controls impede the ability to achieve maximum allowable densities.
- *Fees and exactions.* The Element must evaluate permit fees, impact fees, and fees the Town collects for other governmental agencies to determine the extent to which these charges add to the cost of housing.

- *Processing and permit procedures.* The Element must describe and analyze the types of permits required, by housing type, extent of discretionary review including required approval findings, procedures, and processing time required for residential development by zoning district and housing type.
- *Codes and enforcement and on/off site improvement standards.* The Element should explain the Town's building code and requirements for improvements that may be applied to housing projects.
- *Constraints to housing for persons with disabilities.* The Housing Element is to assess the extent to which the Town's regulations act as a constraint to the development of housing for people with disabilities.
- *Non-governmental constraints.* The Element must analyze the impacts of the cost of land, construction costs, and the availability of financing.

The State's requirements for the constraints analysis are pretty formulaic. The guidelines describe the required analysis in great detail, but also give pretty clear direction on how to document such things as the reasonableness of local regulations and processes. In Corte Madera's case, the basic constraint to housing development is the lack of vacant land. We have to show that our regulations do not exacerbate this basic market constraint. The recently adopted General Plan with its incentives for mixed use, as well as the Town's affordable housing zoning districts, are a good response to the constraints that are inherent to the shortage of vacant property.

The constraints analysis does show a couple of areas where the Town's regulations are not necessarily restrictions, but where clarification would be helpful. For example, the Zoning Ordinance is silent on manufactured housing. In practice, we treat manufactured housing the same way as we regulate stick-built housing. However, in order to document that we don't restrict the development of manufactured housing, the Zoning Ordinance should be amended to specifically say that such housing is allowed. The same is true for several other housing types including supportive housing and transitional housing. As required by state law, the Town allows these housing types, although the Zoning Ordinance is silent on the issue. In each of these cases, the constraints analysis says the Housing Element will have a policy that will result in the Town making the appropriate changes to the Zoning Ordinance. I have marked the statements relating to these issues with **yellow highlights**.

The constraints analysis does not address one important issue area: constraints on the development of emergency shelters. As you know, we are required to identify one or more zoning districts where homeless shelters will be allowed by right, that is, without permits. I am researching this issue, and I will have suggestions for discussion at our meeting.

Most of the requirements for the constraints analysis are pretty cut and dried (and boring...). The regulations are very detailed about what we have to analyze and how we have to do the analysis. Frankly, the rules are pretty clear about what the conclusions of our analysis should be as well. However, as you read the material, please think about whether it is understandable and whether it will make sense to the average reader. As always, I would appreciate any suggestions on typos, grammar, etc.

4. B. Discussion of next steps.

Believe it or not, we have almost completed the draft Element. The principle remaining task is to write the policies and programs section. The bulk of this material will be carry over from the 2002 Housing Element, so there shouldn't be very much original writing to do. I will have a suggested schedule for finishing up the Committee's work when we meet on the 9th.

Conclusion

Please do not hesitate to get in touch with me before the meeting if you have any questions or suggestions.

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Attachments

Attachment 1. Agenda

Attachment 2. Draft Housing Constraints

Attachment 1

CAC Agenda, December 9, 2009



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

Citizens' Advisory Committee

for the
HOUSING ELEMENT

AGENDA

Wednesday, December 9, 2009

Council Chambers, 300 Tamalpais Drive, Corte Madera, California

7:00 P.M.

1. WELCOME

- A. Call to order
- B. Attendance

Staff will note attendance for the record

2. PUBLIC COMMENT

The public may address the Committee on any matter in the Committee's jurisdiction, except for items scheduled for discussion at tonight's meeting. Comments are limited to three minutes per speaker.

3. CONTINUED BUSINESS

- A. Discussion of draft Site Inventory and Analysis

At the October 21 meeting the Committee asked staff to investigate the commuter parking lot in Old Corte Madera Square and a vacant lot on Buena Vista as possible sites for listing on the Inventory. Staff will make an oral report.

4. NEW BUSINESS

- A. Discussion of draft Housing Constraints

Staff has prepared a draft Housing Constraints analysis for the for the Committee's consideration. Please review the enclosed staff report and the draft Section 5.0, Housing Constraints

- B. Discussion of next steps.

Two sections remain to be written to get to a draft Housing Element: Section 1, Introduction, and Section 6, Goals, Policies, and Programs. Staff will suggest a schedule for reviewing the remaining sections and the completed draft.

5. NEXT MEETING

Staff will give a summary of the agenda for the next Committee meeting. The Committee will add items to the agenda as appropriate.

6. ROUTINE MATTERS

- A. Reports from members and staff
 - B. Approval of meeting notes for October 21, 2009
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7. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (415) 927-5064. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting, please notify the Planning Department at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the Town does not receive timely notification of your reasonable request, the Town may not be able to make the necessary arrangements by the time of the meeting.

Attachment 2
Draft Housing Constraints