



# Town of Moraga

## MAYOR'S OFFICE

September 12, 2023

Ms. Cynthia Roberts, Foreperson  
2022-2023 Contra Costa County Civil Grand Jury  
725 Court Street, 4<sup>th</sup> Floor  
Martinez, CA 94553

**Subject: Town of Moraga Response to Contra Costa County Grand Jury Report No. 2306:  
"Affordable Housing: A Plan Without a Home"**

Dear Ms. Roberts:

On behalf of Moraga Town Council, thank you for the opportunity to respond to the Grand Jury Report on affordable housing. The Town of Moraga applauds the Grand Jury for shining a light on one of the most significant public policy challenges of our region. Most of the findings and recommendations in the Grand Jury report align with the prevailing trends, goals, and objectives supported by the Moraga Town Council.

As requested, the Moraga Town Council reviewed each of the Grand Jury's findings and recommendations. On August 23, 2023, Town Council authorized me, as Mayor, to submit the Town's attached responses. The Town of Moraga is proud to share that we "agree" or "partially agree" with 92% of the Grand Jury's "findings" and "have implemented" 80% of the Grand Jury's "recommendations."

As noted in our responses, the Moraga Town Council has already approved multiple local policies to incentivize the production of more affordable housing. For example, Town Council rezoned commercial centers to allow for the production of several hundred new housing units. Town Council also adopted an Inclusionary Housing Ordinance. In addition, Town Council and staff have participated in many meetings with developers to remove barriers to housing production. Over the next year, Town Council plans to further address constraints identified in our Housing Element.

Our Town is already seeing increased development interest and applications for a variety of housing developments, including strong interest in constructing affordable housing developments with several dozen units. As a result, we look forward to working with the County to implement our Housing Element, comply with our RHNA housing targets, and produce our share of the region's needed affordable housing units.

Should you have any questions and/or comments about our responses, please contact either Town Manager Scott Mitnick at (925) 888-7020 / [smitnick@moraga.ca.us](mailto:smitnick@moraga.ca.us) or Planning Director Afshan Hamid at (925) 888-7043 / [ahamid@moraga.ca.us](mailto:ahamid@moraga.ca.us).

Sincerely,

Renata M. Sos  
Mayor

cc: County Supervisor Candace Andersen  
Moraga Town Council  
Scott Mitnick, Town Manager  
Afshan Hamid, Planning Director

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**Town of Moraga  
Responses to  
2022-2023 Contra Costa County Civil Grand Jury  
Findings and Recommendations  
September 13, 2023**

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Contra Costa Civil Grand Jury “Findings” and “Recommendations” were provided in a report dated June 16, 2023, and received by the Town of Moraga on June 20, 2023. As required by the California Penal Code Section 933 et seq., the Town is providing the following responses.

**Grand Jury Findings**

**F1. Within existing city or County infrastructure, there is no clear owner who is responsible for achieving RHNA permitting targets.**

Response: **Partially Disagree (or Partially Agree)**

County, cities, and towns do not directly produce housing units. Rather, they provide zoning, public policies, and land use incentives for private property owners, developers, and affordable housing non-profit organizations to construct and manage housing units. Local governments are, however, responsible for reporting to the State of California their jurisdiction’s RHNA permitting targets. Legally and technically, there is not a clear “owner” for the purpose of developing housing units beyond the physical property owner and housing developer.

State Housing Law only requires local governments to provide zoning and plan to address barriers to development, accommodate all types of housing based on their RHNA allocations, and report on progress toward achieving local RHNA target goals. Each local government is responsible for preparing an Annual Progress Report (APR), as required by State Housing Law. These reports are presented before each government board (such as a Town Council) early in the calendar year, prior to submission to the State of California Housing and Community Development Department (“HCD”). Each jurisdiction’s Housing Element identifies the local department responsible for carrying out the Housing Element’s plans and programs.

**F2. City and County officials see no direct path to meet state-mandated regional housing (RHNA) targets**

Response: **Disagree**

Each local government has RHNA housing unit “targets.” These are not “mandates.” There are multiple paths for local governments to follow to meet State regional housing targets. At a policy level, local governments start by identifying adequate local sites to meet their RHNA targets through their Housing Element and zoning process. In addition, each Housing Element includes strategies and programs to encourage housing development in accordance with State Law. The State will not certify a Housing Element that does not accommodate RHNA housing targets.

At an implementation or production level, local governments create pathways for property owners, developers, and non-profit affordable housing agencies to construct housing units. Local governments rely on housing development applicants and the development community, including affordable housing developers, to propose and construct units within the specific land use locations designated by the local government.

**F3. There are currently no measurable penalties if a city or a County does not achieve RHNA targets in an approved housing element plan.**

Response: **Partially Disagree (or Partially Agree)**

While there are currently no monetary penalties for local governments that do not achieve their RHNA housing targets, there are potential legal implications for not accommodating RHNA in the local Housing Element. The consequences for not issuing adequate building permits for local housing production may be considered punitive. Moreover, each jurisdiction must prepare an Annual Progress Report (APR) on the status and progress in implementing its Housing Element and meeting its RHNA targets (Government Code Section 65400).

Pursuant to Government Code 65863 (“No Net Loss Law”), each jurisdiction must maintain adequate sites to accommodate its remaining unmet RHNA housing targets by each income category at all times throughout the entire planning period. Again, while there are no monetary penalties for failing to achieve RHNA targets, if a jurisdiction violates the No Net Loss Law, there may be legal implications, including but not limited to referring the violation to the Attorney General (Government Code Section 65585(i) and (j)).

**F4. Data published by ABAG shows that Contra Costa County and most of its cities have missed their current RHNA targets for very low- and low-income housing allocations. The allocation requirements continue to increase (16x for very low-income and 4x for low-income residents).**

Response: **Partially Disagree (or Partially Agree)**

It is true that the County and some cities and towns missed their RHNA targets for very low and low-income housing units, and that RHNA allocations for very low- and low-income housing has continued to increase. However, the increase in RHNA allocations is not to the extent mentioned in the Grand Jury's Report. RHNA numbers from the past three cycles indicate that the current (6th) cycle has had the largest increase of 2.5x from the previous cycle in very low- and low-income housing requirements, as depicted below:

Cycle	Very Low	% permitted	Low	% permitted	Source
1999 - 2006	6,481	44%	3,741	48%	<a href="#">link</a>
2007 - 2014	6,512	21%	4,325	24%	<a href="#">link</a>
2015 - 2020	5,264	16%	3,086	55%	<a href="#">link</a>
2023 - 2031	13,346	n/a	7,685	n/a	<a href="#">link</a>

**F5. Many obstacles hinder the development of AH at the local level, specifically for very low and low-income housing, including:**

- a. Limited availability of land;
- b. Restrictive zoning policies specific to AH development;
- c. Limited developer interest to bring projects forward;
- d. Limited available funding;
- e. Lack of community support;
- f. NIMBY opposition & city council response to NIMBY opposition.

Response: **Partially Disagree (or Partially Agree)**

Though the above list of obstacles may hinder the development of affordable housing in some jurisdictions, the Town of Moraga has addressed each item in its Housing Element programs, policies, and actions to the extent feasible and considered acceptable to HCD. In the sixth cycle Housing Element, the Town adopted policies to address obstacles that hinder the development of affordable housing units.

The Town now has a path forward in terms of policies to advance State and regional goals associated with addressing affordable housing at a local level. During the two-year Housing Element process, the Town did extensive community outreach and robust community engagement with approximately 1,200 residents participating in the process. The feedback was used to identify key issues, and to develop the Town's goals, policies, and housing programs. Strategies in the Housing Element respond to the priorities expressed by the public for senior housing and affordable family housing units.

During the Phase I update, the Town adopted policies for Zone Text Amendments, Program 2, to meet the 1,118 units required by the RHNA, including capacity for at least

501 lower income units at densities exceeding 20 units per acre. The Town increased the minimum density in some zoning districts from 20 to 24 dwelling units per acre, replaced the Suburban Office District (SO) with a Rheem Mixed Office-Residential District, and established a new Rheem Park Mixed Commercial Residential District. The Town also updated Phase One Zoning Map Changes to amend the Moraga Zoning Map to increase zoning capacity to meet our RHNA targets. In addition, in March 2023, Town Council adopted Objective Design Standards for the Rheem Park Area.

The Town has been meeting with developers and property owners to get input on a variety of housing development policies and rezoning efforts. For example, the Town held a Developer Roundtable in October 2022 and invited market rate and affordable housing developers to discuss different housing development options. As part of Program 10, Proactive Outreach to Affordable Housing Developers, the Town will continue to engage with affordable housing developers to promote the Housing Element and facilitate the production of affordable housing units.

**F6. Zoning changes are generally addressed only when a project is presented for development.**

**Zoning obstacles include:**

- a. Housing element plans that offer poor land choices for AH development;**
- b. Restrictive height and high-density zoning policies;**
- c. Lack of inclusionary housing ordinance(s) in many cities.**

**Response: Partially Disagree (or Partially Agree)**

A total of 15 Contra Costa County jurisdictions, including the Town of Moraga, have adopted local Inclusionary Housing Ordinances. In December 2022, Moraga Town Council adopted a Town-wide Affordable Housing Ordinance for new residential development of six units or more with a 10% affordability requirement, with an exemption for projects with five or fewer units. This ordinance is applicable Town-wide. However, development projects in lower-density zones have the option of meeting the inclusionary requirement with Accessory Dwelling Units (ADUs).

Additionally, Town Council simultaneously adopted development incentives to increase housing production. For example, in February 2023, Town Council adopted Inclusionary Housing In Lieu of Fees to provide additional options, support, and flexibility for affordable housing development projects. Further, the Town is currently working with four to six developers to facilitate applications that would create an additional 150 - 200 units of affordable housing units under the new Inclusionary Housing Ordinance.

AB 1397 set forth strict criteria for adequate housing sites. These criteria are somewhat arbitrary (e.g., not smaller than 0.5 acre and not larger than 10 acres). The requirement to demonstrate substantial evidence that existing uses do not impede redevelopment also tends to steer site selection to neighborhoods with declining uses and lower and moderate resource areas.

The Town amended its zoning while reviewing the Housing Element and updated the General Plan, not just when a project is proposed for development. Two other points of information worth noting, include:

1. Pursuant to Government Code Section 65583.2(b), Housing Element sites must include information on the number of dwelling units that a site can realistically accommodate, the RHNA income category the parcel is anticipated to accommodate, whether the parcel has available or planned and accessible infrastructure, and the existing use of the site, amongst other details. When selecting sites to accommodate the lower income RHNA, HCD provides jurisdictions with best practices to consider factors such as:

- (1) Proximity to transit
- (2) Access to high performing schools and jobs
- (3) Access to amenities, such as parks and services
- (4) Access to health care facilities and grocery stores
- (5) Locational scoring criteria for Low-Income Housing Tax Credit (TCAC) Program funding
- (6) Proximity to available infrastructure and utilities
- (7) Sites that do not require environmental mitigation
- (8) Presence of development streamlining processes, environmental exemptions, and other development incentives.

However, sites that meet these locational criteria do not always meet the other existing use criteria needed to demonstrate substantial evidence for existing uses to discontinue within the planning period. These include high vacancies, deteriorating conditions, marginally operating businesses, underutilization of sites, etc. These conditions are often directly contrary to access to high performing schools and jobs, amenities, adequate infrastructure, and clear of environmental hazards.

In addition to the above requirements and pursuant to AB 686 (Government Code Section 65583(c)(10)), Housing Elements due on or after January 1, 2021, sites must be identified throughout the community in a manner that affirmatively furthers fair housing (AFFH). AFFH means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.

As such, Housing Element plans provide an inventory of land that addresses the unique conditions by rezoning the commercial centers of each jurisdiction.

2. According to State Density Bonus Law (SDBL), local agencies are required to allow increased density, reduced standards, and development incentives based on the number and type of affordable housing units proposed in a project. The SDBL applies to housing projects, including mixed-use developments, new subdivisions, or

common-interest development. Developers may request incentives and concessions from the jurisdiction's regulatory or development standards that result in actual and identifiable cost reductions to provide for affordable housing costs or rents. The number of required incentives is based on the percentage of affordable units provided in the qualifying project. For example, developers may ask for increased height above that allowed by the zoning regulations. As such, height and density do not represent a restriction to development. Furthermore, many sites are located in transit-oriented neighborhoods where recent State laws have preempted restrictions on height and density.

**F7. Penalties directed at cities and the County (financial, loss of control over local planning) are tied to not meeting state deadlines for Housing Element plan approval.**

Response: **Partially Disagree (or Partially Agree)**

While there are no current monetary penalties for not meeting the State deadlines for Housing Element Plan approval, there are other legal implications for not showing improvement toward meeting RHNA housing targets. As stated in the response to Finding 3, local governments may be subject to litigation from individuals, housing rights' organizations, developers, and/or HCD. Depending on court decisions, local governments run the risk of losing additional local land use control, including the possible suspension of authority to issue building permits or approve certain land use permits for failing to adopt a Housing Element that shows progress toward supporting affordable housing units.

In addition, depending on specific programs, eligibility for some State funds requires have a certified Housing Element (such as PLHA and State HOME funds). Finally, loss of local control is not limited to jurisdictions that do not meet specified timeframes for a certified Housing Element. For example, SB 35, the Housing Accountability Act, the No Net Loss Act, Density Bonus Law, and AB 2011/SB 6 specify what types of projects local jurisdictions must approve and where such projects must be approved, regardless of whether or not local jurisdictions meet State deadlines for the adoption of Housing Elements.

The following is a link to information on HCD's accountability efforts and enforcement authority: <https://www.hcd.ca.gov/planning-and-community-development/accountability-and-enforcement>

**F8. Builder's Remedy and SB35 projects do not address ingrained local obstacles identified in this report that prevent the completion of approved AH projects.**

Response: **Agree**

**F9. When local Redevelopment Agencies (RDA's) were discontinued by the state in 2012, the County and cities, did not address the loss of funding for affordable housing or find alternative funding to support affordable housing**

**projects until voters passed Measure X in November 2020. Projects that target very low- and low-income residents were particularly impacted.**

Response: **Agree**

**F10. Measure X housing funds are not fully dedicated to building AH for very low- and low-income residents.**

Response: **Agree**

**F11. Local funding provided by bonds like Measure X Housing Fund is a critical component of a developer's overall ability to raise funds for an AH development.**

Response: **Partially Disagree (or Partially Agree)**

Bond funding requires voters' approval. Depending on the timing (economic conditions and bond measures for other competing interests), bond financing has not been a significant source of affordable housing financing. While local funding provided by bonds, such as the Measure X Housing Fund in Contra Costa County, do provide a helpful layer of funding to help produce affordable housing construction, the aggregate amount of funding available from Measure X is not high enough to be considered a "critical factor" in a developer's overall ability to produce affordable housing units in Contra Costa County cities and towns.

Under the Measure X Program Allocation Summary, only \$10 million dollars (about 13% of FY 2022-23 funding and about 4.5% of total funding) were allocated to a Local Housing Trust Fund. For FY 2023-24, \$12 million dollars were allocated for affordable housing projects. The construction of just affordable housing project often surpasses \$10 or \$12 million.

It is important to also note that Measure X Housing Funds are dispersed by the Department of Conservation and Development (DCD) and Health Services' Health, Housing, and Homeless (HSD-H3) Services, along with the Housing Authority of the County of Contra Costa. While a contributing factor to some affordable housing developments, Measure X dollars allocated to the overall Countywide housing production is very small to non-existent for many of the County's local governments.

**F12. Cities that proactively engage citizens, address zoning obstacles, make reasonable zoning concessions, work collaboratively with developers, provide local funding support, and are united in addressing NIMBY opposition, have been successful in attracting AH projects.**

Response: **Partially Disagree (or Partially Agree)**

The Town of Moraga agrees that proactive strategies help attract affordable housing developers and mitigate the barriers to housing production. However, proactive strategies

alone do not result in actual production of affordable housing projects. While the Town of Moraga engages in all of the above, there are a variety of other obstacles toward affordable housing development that exist which are beyond the Town's a local jurisdiction's control. This includes the gap in financing between constructing market-rate versus affordable housing, land costs, land-to-building ratio when a property contains underutilized land uses, cost to upgrade or renovate existing non-residential buildings to accommodate housing units, infrastructure costs (on- and off-site), fees for public utilities (particularly for non-municipal utilities), etc.

Another local constraint exists for those properties in which the property owner does not want to develop housing units on their property. In California, property owners have the right to develop, or not develop their property. In Moraga, Town Council has re-zoned properties and provided increased density opportunities and incentives (thereby adding considerable land value) and the local property owners still chose not to produce housing units.

**F13. The latest RHNA targets for cities and unincorporated Contra Costa County show a significant increase in the number of units that are expected to be permitted for very low and low-income housing.**

Response: **Partially Disagree (or Partially Agree)**

While it is true that RHNA Allocation for very low- and low-income housing has continued to increase, the increase in RHNA allocations is not to the extent mentioned in the Grand Jury Report. RHNA numbers from the past three housing element cycles indicate that the current (6th) cycle experienced the largest increase (2.5X) of very low and low income required housing units from the previous cycle. Please refer to the above response to Finding 4 for detailed RHNA number changes from previous Housing Element cycles.

## **Grand Jury Recommendations**

**R1. Each city and the County should consider assigning a staff position with clear leadership, ownership and accountability to achieve allocated RHNA targets. The individual in this position would be responsible for establishing and promoting an operational plan to achieve the RHNA goals set forth in the housing element plan.**

**Response: This recommendation has been implemented.**

California's Housing Element Law acknowledges that, in order for the private market to adequately address the housing needs and demands of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development. Counties, cities, and towns are not responsible for the development and construction of housing to achieve the allocated RHNA targets. Instead, they are responsible for the effective implementation of their housing elements and associated programs to address any existing constraints to housing and for tracking and reporting the jurisdiction's progress toward achieving their RHNA targets. The Planning Department for the Town of Moraga is assigned with the responsibility of the above tasks and the Town has assigned a staff position with the responsibilities of establishing a plan to achieve the Town's RHNA targets and goals, as set forth in the Town's Housing Element.

**R2. Each city and the County should report AH progress and lack of progress using data across all four measured income groups. Special attention should be paid to tracking the housing needs of residents categorized as very low- and low-income. Cities and the County should communicate their progress biannually, against RHNA targets at council and supervisor Meetings.**

**Response: This recommendation has been implemented.**

State Law (§65400) requires each local government to prepare an Annual Progress Report (APR) on the jurisdiction's status and progress in implementing its Housing Element using forms and definitions adopted by the California Department of Housing and Community Development (HCD).

The Moraga Housing Element's APR allows HCD to track our local progress toward implementing the goals and objectives of the Housing Element, and requires its submission as a threshold requirement for several State housing funding programs (source).

Through the forms and tables provided by HCD ([link](#)), local jurisdictions must report annual data on housing in the APR, including the following:

- Housing development applications received (including proposed number of units, types of tenancy, and affordability levels)
- Building/construction activity
- Progress toward RHNA housing targets
- Sites identified or rezoned to accommodate a shortfall in housing needs
- Program implementation status
- Local efforts to remove governmental constraints to the development of housing
- Projects with a commercial development bonus
- Units rehabilitated or preserved
- Locally owned land included in the sites inventory that have been sold
- Locally owned surplus sites

Government Code §65400 requires local planning agencies to provide this report to the legislative body (i.e., local Board of Supervisors, City Council, or Town Council), HCD, and OPR by April 1 of each year (covering the previous calendar year). APRs must be presented to the local legislative body for its review and acceptance, usually as a consent or discussion on a regular meeting agenda.

The statute does not specify in which order they be provided, and HCD does not require the report to be submitted to the legislative body prior to submitting it to HCD. However, HCD recommends that planning departments provide the report to the local legislative body prior to sending it to HCD and OPR ([source](#)). Biannual reporting would divert staff time from other housing programs.

Town of Moraga has already implemented this recommendation. On an annual basis, the Town Council reviews and approves the APR and staff submits the APR to HCD by April 1. In addition, the Housing Element Program 8: Annual Progress Report states the Town shall review and report annually on the implementation of Housing Element programs for the prior calendar year and present the annual report to the Town Council before submitting the annual report to the California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR).

**R3. Each city and the County should consider creating a dedicated AH commission comprised of a multi-disciplinary team of diverse citizens and led by a current, nonelected, city expert in planning. Each commission would be charged with providing a community voice in the process and helping to identify and address obstacles that hinder the development of affordable housing projects in their community.**

**Response: This recommendation will not be implemented because it is not warranted or is not reasonable.**

While the Town of Moraga appreciates the thoughtful recommendation to create a dedicated Affordable Housing Commission, adding yet another layer of government is not the answer. There are sufficient existing governing bodies, citizen committees, and professional staff to obtain community input on affordable housing. The Town of Moraga believes that establishing a new layer, such as an Affordable Housing Commission, is not warranted and/or not reasonable for the following reasons:

#### Existing Planning Mechanisms

The Town already has established planning mechanisms and commissions/committees responsible for addressing affordable housing issues. These existing structures provide platforms for community engagement and collaboration, making the formation of a separate commission redundant and potentially duplicative of efforts. For example, the Town has an active Planning Commission comprised of seven dedicated and highly educated citizens which provides recommendation on policy changes, reviews development projects, provides a community voice, and makes recommendations on changing zoning regulations, which lead to a reduced number of obstacles to produce housing development. The current Planning Commission is a strong advocate in favor of the Town's RHNA targets and the production of affordable housing units.

Furthermore, jurisdictions, such as Moraga, conduct community outreach and engagement when preparing their Housing Element to identify and address obstacles that hinder the development of affordable housing projects in their communities.

The Moraga Housing Plan includes goals, policies and actions that identify and promote collaboration with the community, other agencies, and the development community. For example, Moraga's Housing Element includes Program 12 Saint Mary's College Partnership to address the housing needs of students. Additionally, Policy H2.9 seeks to form Affordable Housing Partnerships with Saint Mary's College, Moraga School District, affordable housing developers, and other groups and organizations to develop collaborative approaches to the production of affordable housing units.

## Resource Constraints

Establishing and maintaining a dedicated Affordable Housing Commission would require additional financial and administrative resources. At present, our Town has already allocated resources to multiple initiatives aimed at addressing affordable housing needs. Adding another commission would spread resources too thin and would hinder the efficiency of current efforts.

## Efficient Decision-Making

By involving a diverse range of citizens and experts in existing planning and housing committees, the Town of Moraga maintains a balanced and inclusive approach. This integration ensures streamlined decision-making processes and comprehensive representation of community interests without creating an additional layer of bureaucracy.

## Alternative Approaches

Instead of forming a separate Affordable Housing Commission, the Town of Moraga is committed to strengthening the involvement of community members and experts via our existing planning and housing commission and committees which have a broader view of the community. Enhancing public outreach, conducting regular town hall meetings, and encouraging community feedback will remain focal points in our local efforts to address obstacles hindering affordable housing development.

While the Town of Moraga does not intend to pursue establishing an Affordable Housing Commission, the Town values the underlying principle of community engagement and recognizes the importance of community input in the decision-making process. The Town will continue to explore alternative strategies that promote transparency, inclusivity, and community-driven solutions for affordable housing development.

Instead of creating additional layers of bureaucracy, what is needed in Moraga is more funding and incentives for existing property owners and developers to want to produce more housing units, especially affordable housing units.

**R4. Each city and the County should consider reviewing existing processes and identifying changes that would address or resolve the specific obstacles identified in this report that hinder achieving RHNA allocation targets for very low- and low-income housing in their community.**

**Response: This recommendation has been implemented.**

The Moraga Housing Element includes programs and policies to achieve its RHNA allocation targets. Examples include: Program 16 ADU production to streamline ADU units in high-resource neighborhoods to improve residential mobility, and Goal 6.1.4: Goal 4: Eliminate Undue Governmental Constraints, ensure that the Town's processes and requirements do not unduly constrain or delay the development of housing for households of all income levels. The policies to support this Improve the Development Process,

## CEQA Infill Exemptions, Maintain Consistency with State Law, and Address Undue Governmental Constraints.

The Town has conducted a thorough review of existing processes related to affordable housing development, permitting, and zoning regulations. This review aimed to identify any inefficiencies or barriers (“constraints”) that may have contributed to the challenges in meeting RHNA allocation targets, including the following:

### Stakeholder Engagement

To ensure a comprehensive and inclusive approach, stakeholders, including community members, developers, housing advocates, and relevant government agencies, were actively and consistently engaged throughout the process. Feedback and input from these stakeholders played a pivotal role in shaping the subsequent actions and policies.

### Identifying Key Obstacles

Based on the review and stakeholder input, specific constraints hindering the achievement of RHNA allocation targets were identified. These included issues related to zoning restrictions, lengthy permitting processes, funding constraints, and limited community support.

### Development of a Housing Plan

With a clear understanding of the obstacles, the Town developed a tailored action plan to address the identified challenges. This action plan outlined concrete steps, timelines, and responsible parties for implementation that have been or are in the process of being deemed appropriate by the State Department of Housing and Community Development.

### Policy and Regulatory Reforms

To streamline affordable housing development, policy and regulatory reforms were introduced to the broader community at both the Planning Commission and Town Council levels and noticed public hearings. These reforms aimed to remove unnecessary barriers, expedite permitting processes, and incentivize the construction of affordable housing, such as adoption of an affordable housing ordinance and a local development incentive.

### Community Outreach and Education

Recognizing the importance of community support, extensive outreach and education efforts were undertaken to inform residents about the benefits of affordable housing and dispel common misconceptions. The outreach involved community workshops, community meetings and surveys.

## Outcomes Achieved

As a result of these actions, tangible progress can be made toward meeting RHNA allocation targets for very low- and low-income housing in each community. The review and reforms will lead to a more efficient and supportive environment for affordable housing development.

The engagement of stakeholders has fostered a collaborative approach to address housing challenges, and community support for affordable housing initiatives has grown significantly. While challenges persist, the ongoing commitment of the Town to address the obstacles identified in the report demonstrates significant strides in advancing affordable housing goals. Continued efforts and collaboration will be crucial in achieving sustained progress and ensuring housing accessibility for all members of our communities.

### **R5. Each city and the County should consider developing a public dashboard to report progress against RHNA targets.**

**Response: This recommendation has been implemented.**

As discussed in the Town's Response to R2 above, each jurisdiction must prepare an Annual Progress Report (APR) on the jurisdiction's status and progress in implementing its housing element using forms and definitions adopted by the California Department of Housing and Community Development (HCD). (Government Code Section 65400.) Each jurisdiction's APR must be submitted to HCD and the Governor's Office of Planning and Research (OPR) by April 1 of each year (covering the previous calendar year). HCD compiles and showcases all APRs through their interactive digital data dashboard with downloadable data sets. ([link](#))

In addition, all jurisdictions are subject to Government Code Section 65863 (No Net Loss Law), which was amended in 2017 with SB 166, and requires jurisdictions to maintain adequate sites to accommodate remaining unmet RHNA at each income level throughout the life of an adopted Housing Element. The No Net Loss Law restricts local governments from approving a housing project at a lower density, or with fewer units than identified in the Housing Element, unless a corresponding number of units are accommodated and identified elsewhere within the local government boundaries. To assist with the monitoring, local governments are developing standard language to include in staff reports when housing projects come forward to decisionmakers for approval and are exploring using a "No Net Loss Tool" to help monitor RHNA progress.

**R6. Each city and the County should consider, in their individual Housing Element plans, putting forth land zoned "suitable for residential use," without development obstacles, and located strategically close to existing services, for AH purposes.**

Response: **This recommendation has been implemented.**

As required by State Law, jurisdictions are required to prepare a site inventory identifying land suitable and available for residential development to meet the locality's regional housing needs by income level. Please see the response to Finding 6(a) for details. Further, in addressing HCD's Affirmatively Furthering Fair Housing (AFFH) requirements there is a thorough review of the site selection via the Tax Credit Allocation's Committee (TCAC) Resource Map that designates areas of low, moderate, high, and highest resource within a jurisdiction and requires specific justification for placing affordable housing projects within low-resources areas.

On February 22, 2023, the Town adopted zoning amendments consistent with the adopted sixth cycle Housing Element to increase the maximum allowable density to 24 units/acre, and 30 units/acre for senior housing developments. Development that confirms applicable zoning standards in this zone shall be eligible for ministerial or "by right" approval. Consistent with SB 35 and SB 330, the Town, in March 2023, adopted objective development and design standards for the new Mixed Office-Residential and Mixed Commercial-Residential zones to facilitate ministerial approval of future multi-family residential and mixed-use projects in the Rheem Park Commercial District.

The Town has also created a website, [makemoragahome.org](http://makemoragahome.org), with a page for Affordable Housing. This provides a Housing Opportunity Site Inventory detailing each site address, features, use, units per acre, theoretical capacity, realistic capacity, income distribution.

**R7. Each city and the County should consider reviewing their zoning policies to identify restrictive zoning policies unique to their jurisdiction that impede AH projects and consider making zoning changes in light of that review that will support AH in their community.**

Response: **This recommendation has been implemented.**

The Town's adopted sixth cycle Housing Element has a number of programs and policies adopted to support affordable housing units throughout the Town. 6.1.1: Goal 1: Maximize Opportunities for the Development of Housing to accommodate anticipated growth, facilitate mobility within both the ownership and rental markets, and encourage a diverse community. These policies include Fair Share Housing, Sufficient Land for a Range of Housing Types, Existing Residentially Zoned Land, and Infill Opportunities.

6.1.2: Goal 2: Provide a Variety of Housing Types and Affordability Levels to help meet the Town's projected needs. These policies include Housing Variety, Rental Housing, Affordable and Workforce Housing, Encourage Multi-generational Housing, Manufactured Housing, Missing Middle Housing, Density Bonus, Federal Housing Assistance Programs and Affordable Housing Partnerships.

**R8. Cities should consider adopting an inclusionary housing ordinance as part of their standard development policy by the end of 2023 (if not already in place).**

Response: **This recommendation has been implemented.**

The Town adopted a local Inclusionary Housing Ordinance as of December 14, 2022. This ordinance requires developers to include a certain percentage of affordable housing units within new residential developments or provide fractional in-lieu fees to support affordable housing initiatives.

The implementation process involved extensive collaboration with various stakeholders, including developers, community organizations, and public officials. Public hearings and town hall meetings were held to gather input from the community and ensure transparency in decision-making. Local land use experts and planners conducted thorough analyses of housing needs and market conditions to determine appropriate inclusionary housing requirements.

Although still new in its implementation, the Inclusionary Housing Ordinance is anticipated to result in notable outcomes. Early discussions on new residential developments have included affordable housing units, which will significantly contribute to the expansion of affordable housing development in our Town. The ordinance allocates future fractional in-lieu fees towards funding affordable housing projects and initiatives.

Moreover, the inclusionary housing policy has fostered a greater sense of community involvement and social responsibility among developers and residents alike. It has strengthened our Town's commitment to addressing the affordable housing crisis and creating more equitable housing opportunities for all residents.

Overall, the adoption of a local Inclusionary Housing Ordinance represents a significant paradigm shift toward promoting inclusive and sustainable housing development in our Town. Moraga is committed to continually monitoring its impact and making necessary adjustments to ensure its continued effectiveness in the years to come.

**R9. Each city and the County should consider how to prioritize the implementation of housing projects that promote development of very low- and low-income housing.**

Response: **This recommendation has been implemented.**

Examples include:

Affordable Housing Zoning and Incentives

Town officials have reviewed and revised zoning regulations to incentivize development of very low and low-income housing projects. By designating specific zones for affordable housing and offering density bonuses and/or reduced fees for qualifying projects, the goal is to encourage developers to prioritize these types of housing developments. In addition,

the Town of Moraga, on December 14, 2022, adopted a local Development Incentives Policy for eligible projects that meet the Town's Affordable Housing requirements.

### Streamlined Permitting Process

A streamlined permitting process has been implemented for affordable housing projects, reducing bureaucratic hurdles, and expediting the approval timeline. This measure aims to minimize delays and facilitate the construction of housing units for low-income residents more efficiently. The Town has a process for SB 35 and SB 330 projects, along with "By Right" development approvals in the Housing Opportunity Sties. Town Council adopted Objective Design Standards for the Moraga Center in December 2020 and for the Rheem Center in April 2023, in order to streamline permitting process.

In order to maximize available resources and encourage implementation of housing projects that promote development of very low- and low-income housing units, the Town established the following expedited processes:

- Streamlined review process
- Expedited review policy for affordable housing
- Allow eligible projects to use CEQA streamlining provisions

**R10. Each city and the County should consider prioritizing Measure X funding requests that support projects that address RHNA targets for very low- and low-income residents. Each city and County should consider reporting regularly to their residents on the use of Measure X funds for such purposes.**

**Response: This recommendation will not be implemented because it is not warranted or is not reasonable.**

This recommendation is unlikely to be implemented in Contra Costa County. Measure X is a limited Countywide 20-year ½ cent sales tax approved by Contra Costa County voters on November 3, 2020 "to keep Contra Costa's regional hospital open and staffed; fund community health centers, emergency response; support crucial safety-net services; invest in early childhood services; protect vulnerable populations; and for other essential county services."

Under the Measure X Program Allocation Summary, only \$10 million dollars (about 13% of FY 2022-23 funding and about 4.5% of total funding) were allocated to a Local Housing Trust Fund. For FY 2023-24, \$12 million dollars were allocated. The Measure X Housing Funds are dispersed by the Department of Conservation and Development (DCD) and the Health Services' Health, Housing and Homeless (HSD-H3) Services and the Housing Authority of the County of Contra Costa. The use of Measure X funds for housing are reported by the County here: <https://www.contracosta.ca.gov/8530/Measure-X>