

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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July 15, 2021

Michael Forbes, Planning Director  
City of Westlake Village  
31200 Oak Crest Drive  
Westlake Village, CA 91361

Dear Michael Forbes:

**RE: Review of the City of Westlake Village's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element**

Thank you for submitting the City of Westlake Village's (City) draft housing element received for review on May 17, 2021, along with revisions received on June 22 and 29, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by telephone conversations on June 8 and 10, 2021 with the City's housing element team.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes revisions needed to comply with State Housing Element Law.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2021 for the Southern California Association of Government (SCAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets housing element requirements for these and other funding sources.

HCD appreciates the assistance the housing element team provided during our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Robin Huntley, of our staff, at [Robin.Huntley@hcd.ca.gov](mailto:Robin.Huntley@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" and the last name "West" clearly distinguishable.

Shannan West  
Land Use & Planning Unit Chief

Enclosure

## **APPENDIX CITY OF WESTLAKE VILLAGE**

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Review and Revision**

*Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)*

The review requirement is one of the most important features of the element update. The review of past programs should analyze the City's accomplishments over the previous planning period. This information provides the basis for developing a more effective housing program. A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. As part of this analysis, the element must summarize the effectiveness and cumulative impact of the previous element's programs to address special needs populations.

### **B. Housing Needs, Resources, and Constraints**

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A).)*

Outreach and Enforcement: The element currently states the number of housing discrimination complaints in Westlake Village filed between the years 2013-2021. While three of four fair housing claims had no valid basis or issue, the element should analyze the remaining claims and provide a summary of the issue. In addition, the element states that the City contracts with the Housing Rights Center (HRC) to provide fair housing services including landlord/tenant counseling, investigation of fair housing complaints, and outreach and education. However, the analysis must also describe compliance with existing fair housing laws and regulations and include information on fair housing outreach capacity, including staff's level of training and expertise with fair housing issues.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP): The element provides analysis and a map to indicate there are no R/ECAPs in Westlake Village. Additionally, the element generally defines a Racially Concentrated Area of Affluence (RCAA) and

concludes that a significant portion of the City may be considered a RCAA. Figures 4 and 5 indicate this is not consistent for the region. The element should provide analysis of the implications of being an RCAA and include a description of past practices and policies that led the City to differ from the region. The analysis should specifically address the City's zoning and land-use practices, lack of affordable housing, and lack of a variety of housing choice as potential contributing factors.

Access to Opportunity: The element provides sufficient analysis on access to opportunity relative to the environment and education. It also includes qualitative information on access to opportunity regarding economic outcomes (Figure 8) and transportation (Figure 10). The element must include quantitative analysis and conclusions on how the access, or lack of access, affects the City's ability to affirmatively further fair housing.

Contributing Factors: The element must list and prioritize contributing factors to fair housing issues. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.

The element (page 120) provides a list of the AI-identified goals and actions and states, in multiple areas of the housing element, that the guidance provided by the AI was developed for the LA County Urban Cities as a whole, not specifically for Westlake Village. The element must be revised to provide a prioritized list of contributing factors specific to Westlake Village which are informed by local knowledge, history, and trends over time – not merely provide a generalized list for the region,

Goals, Priorities, Metrics, and Milestones: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies Program 8 to encourage and promote affordable housing; however, the program does not appear to facilitate any meaningful change or address affirmatively furthering fair housing requirements. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results.

Given that most of the City is considered a high-resource community, the element should focus on programs that enhance housing mobility and encourage development of more housing choices and affordable housing. Programs also need to be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Household Income Distribution: Table 3 provides a quantification of the City's households based upon income category including extremely low-, very low-, low-, moderate- and above moderate-income categories. However, the income categories do not align with the housing element definitions. The element should be revised to reflect the moderate-income category as 81-120% of median income and the above-moderate income category as above 120% of median income and report the figures accordingly.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The City has a regional housing need allocation (RHNA) of 142 housing units, of which 87 are for lower-income households. To address this need, the element relies on nonvacant sites in a mixed-use zone. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Electronic Sites Inventory: Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#> element for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov).

Realistic Capacity: Tables 10 (Site Inventory) and 11 (Potential Housing Sites, 6<sup>th</sup> Cycle RHNA Accommodation) include conflicting information regarding site capacity. Table 11 includes a column titled "Mixed Use Sites Discounted 40%" and appears to estimate a unit capacity inconsistent with, and lower than, the capacity provided in Table 10. It is unclear which capacity estimated the element intends to use. The element must be revised to correct the internal inconsistency.

Suitability of Nonvacant Sites: The City's entire RHNA for lower-income households is identified to be accommodated on nonvacant sites. When the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower income households, it must demonstrate with substantial evidence that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). The element includes an adequate analysis

regarding Sites 9 and 10; however, Site 11 requires additional analysis to meet the substantial evidence requirement.

Sites with Zoning for a Variety of Housing Types:

- *Emergency Shelters* – The housing element cannot be found in full compliance until the City has amended zoning to permit a year-round emergency shelter without discretionary action pursuant to Government Code section 65583, subdivision (a)(4)(A).

The initial 6<sup>th</sup> cycle draft element submitted to HCD indicated the City adopted an ordinance in December 2013 to permit emergency shelters in the Business Park (BP) zone without a conditional use permit or discretionary action. A revised draft element was received by HCD on June 22, 2021, which struck out the language stating the City is in the process of amending its Zoning Ordinance in the BP zone and such amendments will be completed prior to the adoption of the housing element. Once the City adopts a zoning ordinance to allow emergency shelters by-right, a copy of the resolution or ordinance should be transmitted to HCD. HCD will review documentation for consistency with statutory requirements.

The housing element must demonstrate the BP zone is adequate and has sufficient capacity to accommodate the identified housing need for emergency shelters. (Gov. Code, § 65583, subd. (a)(4).) For example, identify the number of parcels, typical parcels sizes, whether the sites are nonvacant, the potential capacity for adaptive reuse, as well as other uses allowed in the zone and proximity to transit and services. Additionally, the element must demonstrate permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters must only be subject to the same development and management standards that apply to residential or commercial development within the same zone except for those standards prescribed by statute. For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/zoning-for-variety-housing-types.shtml> and HCD's SB 2 memo at [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2\\_memo050708.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2_memo050708.pdf).

- *Multifamily Housing* – The element describes the City's Zoning Ordinance as containing three residential zoning districts: R-1 (Single Family Residential), RPD (Residential Planned Development), and MHP (Mobile Home Park). Page 50 of the element states, "The RPD zone...is extremely flexible. It can accommodate any type of residential use ranging from estate housing to stacked flat apartments and development standards such as setbacks, lot coverage, and FARs can be established on a case-by-case basis". Page 50 also states, "While the RPD zone allows for multifamily development, it was primarily developed with single family housing. There are no vacant lots available for multifamily development, nor are there sites where redevelopment to multifamily housing is likely. For these reasons, the City has not included any RPD-zoned sites on its RHNA site inventory."

While the North Business Park Specific Plan includes two mixed-use zones allowing multifamily housing, all the mixed-use sites are adjacent and all are identified in the housing element to accommodate the City's entire lower- and moderate-income RHNA. The element should include analysis of how the lack of multifamily zoning impacts housing choice for lower-and moderate income households in the City, affects the City's ability to affirmatively further fair housing, and include program actions, as appropriate.

Affirmatively Furthering Fair Housing (AFFH): The element should identify sites throughout the community to foster inclusive communities. The element identifies sites which are all adjacent to one another and located within the North Business Park Specific Plan Area to accommodate the City's entire RHNA for lower- and moderate-income RHNA.

The element states this area of the City is a high opportunity area near some amenities; however, it also states on page 32 the area of the North Business Park Specific Plan "encompasses an aging business park in the City's non-residential core." A map is provided which indicates while private schools may be closer, public schools (White Oak Elementary and Lindero Canyon Middle School) are more than a 15 minute walk. The element also describes insufficient transit options are available in the City. The element should discuss whether this strategy potentially isolates the housing need for lower- and moderate-income households and include actions, as appropriate, such as additional zoning for a variety of housing choices to foster a more inclusive community.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: Table B-1 (Summary of Development Standards) and indicates a maximum lot coverage of 40 percent in the Mixed-Use Lindero district (within the North Business Park Specific Plan). The Mixed-Use Lindero district allows density up to 32 units per acre and the district, in its entirety, represents the sites identified to accommodate the City's lower-income RHNA. While the element describes an economic analysis that was done examining pro formas which determined the development standards were not found to economically constrain development, it



does not provide analysis to establish the cumulative effect of all development standards does not physically preclude development at maximum allowable densities. The element must analyze the cumulative impacts of land use controls on the cost and supply of housing, including the ability to achieve maximum densities. The element should include programs to mitigate or remove any identified constraints, as appropriate.

Constraints on Housing for Persons with Disabilities: The element describes that the City allows group homes without any specific siting requirements. However, the element should also analyze the process and standards for approval of group homes as a potential constraint to the development of housing for persons with disabilities. For example, the element could describe whether group homes are allowed by-right or require a conditional use permit, which zones allow group homes, and describe the regulatory process and requirements for group homes, including sober living homes, residential care facilities, and other types of shared housing.

Local ADU Ordinance: The element must specifically analyze locally adopted ordinances, such as an ADU ordinance, that directly impact the cost and supply of residential development. The analysis should demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need and from meeting the need for housing for persons with disabilities and special needs. The analysis should generally describe the ADU ordinance's requirements and provide the number and affordability of ADUs developed in the City.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Although nongovernmental constraints are primarily market-driven and generally outside direct government control, localities can significantly influence and offset the negative impact of nongovernmental constraints through responsive programs and policies. The element must analysis of nongovernmental constraints should include any challenges experienced locally. Common nongovernmental constraints include:

- Community opposition
- Recent disasters such as wildfire or flood
- Economic factors such as foreclosures, rent control and evictions, unemployment rates, and the economy in general
- Labor shortages for the construction of housing or prevailing wage
- Jobs-housing imbalances



Each analysis should include a description of a locality's response to mitigate the nongovernmental constraints experienced in the community.

6. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

While the element quantifies existing and projected extremely low-income (ELI) households, it must also analyze their specialized housing needs. The element should list and analyze the special needs of ELI households including available resources and programs to assist them. The analysis could consider, but is not limited to, rates of overcrowding and overpayment, both by tenure. To assist the analysis, see the enclosed data and sample analysis at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml>.

### **C. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

Program 3 (Accessory Dwelling Units (ADU)): Program 3 should be revised to quantify the number of ADUs anticipated to be incentivized to develop through program actions within the planning period. In addition, Action 3.2 should include a commitment to resolve inconsistencies with State law that are identified by HCD during its review of the City's ordinance.

Program 5 (Affordable Housing Partnerships): Program 5 should be revised to quantify the number of affordable housing units, special needs housing units, and Single Room Occupancies (SROs) anticipated to be incentivized and facilitated through program actions during the planning period.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to*

*accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A-3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Program 1 (Adequate Sites and Monitoring for No Net Loss): Program 1 includes Actions 1.1 through 1.8 which should be revised as follows:

- Action 1.4 should be revised to describe the criteria that will be used to identify additional sites eligible for streamlined processing in the future. The action should also quantify the number of sites that will be targeted for streamlined processing during the planning period.
  - Action 1.5 commits to continue providing streamlined processing for housing development projects within the North Business Park Specific Plan area. This area is identified to accommodate all the City's RHNA for lower- and moderate-income households on nonvacant sites with mixed-use zoning. The program should be revised to include specific actions the City will take:
    - to incentivize and facilitate redevelopment,
    - to promote mixed-use,
    - to encourage multifamily development (including multifamily with 3 or more bedrooms to combat rental overcrowding in the City), and
    - to explicitly target affordable housing development.
  - Action 1.6 should be revised to acknowledge the requirement of No Net Loss Law (Government Code § 65863) to rezone sites within 180 days if an alternative site with existing adequate zoning cannot be identified.
  - Action 1.8 should be revised to acknowledge lot coverage, in addition to parking requirements, as a potential constraint to development in the North Business Park Specific Plan. Additionally, the program should identify a timeframe by which identified constraints will be mitigated (e.g., within 6 months).
3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Program 4 (Zoning Amendments and Special Needs Housing): Action 4.1 commits to amend the City's Zoning Ordinance by the end of 2021 to be consistent with AB 139 (Emergency and Transitional Housing). However, the housing element cannot be found in full compliance until the City has amended zoning to permit a year round emergency shelter without discretionary action pursuant to Government Code section 65583, subdivision (a)(4)(A). As such, the program should be amended to complete program actions prior to or concurrently with housing element adoption.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings A-4 and A-5, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

Parking Requirements in the North Business Park Specific Plan: Table B-2 provides a summary of residential parking standards in the City. Parking standards in the North Business Park Specific Plan area are higher for studio and 1-bedroom units, as well as guest parking, than for multifamily condominium, townhome, and apartments elsewhere in the City. All the City's RHNA for lower-and moderate-income units are on sites identified within the area. The standard has potential to violate Government Code section 65008 (anti-discrimination in land use), and it impacts the financial feasibility of affordable housing development. While the element includes program Action 1.8 which commits to monitor development standards in the North Business Park Specific Plan area to determine constraints, the program should be revised to commit to revising the standard to match the requirements applicable everywhere else in the City for all multifamily housing types.

Employee Housing Act: Analysis within the element on page 51 states the Employee Housing Act that requires housing for six or fewer employees be treated as a residential use is not currently addressed in the City's Municipal Code and that an action has been added into Program 4 to address the requirement. However, Program 4 does not include the component. Amend Program 4 to include an action to become compliant with the Employee Housing Act.

Program 2 (Permit Processing Practices): Action 2.4 commits to use objective design review criteria and references the Housing Accountability Act (Government Code § 65589.5). However, the City does not currently have objective design standards. The program should be revised to commit to reviewing current standards and establishing objective standards by a specified date.

5. *Promote AFFH opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry,*

*national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A-1, the element must include a complete analysis of AFFH. Based on the outcome of that analysis, the element must add or modify programs.

Program 7 (Information, Education, and Marketing): Action 7.6 commits to increase community awareness of energy conservation and affordable housing benefits and opportunities through the City's monthly printed newsletter and press releases. It further commits to broadly distribute the newsletters at the public information counter at City Hall and at community events. This action should be expanded to include the other areas of education cited in Program 7, such as housing rehabilitation, fair housing, ADUs, reasonable accommodation, housing choice vouchers, and information regarding the North Los Angeles County Regional Center and Los Angeles County Community Development Authority.

Program 8 (Fair Housing): Program 8 includes Actions 8.1 through 8.5, all of which include multiple sub-actions. The following actions should be revised as follows:

- Action 8.1 (Outreach and Enforcement) commits to evaluate whether the City's outreach program should include other languages after 2020 Census information is released. Due to regional racial and ethnic demographics, the program should be revised to provide outreach in Spanish as well as any other language(s) identified by the Census.
- Action 8.3 (R/ECAP) states that although there are no R/ECAPs in Westlake Village, the City's land use and planning decisions restrict fair housing choice for persons with disabilities and affordable housing in general. The City states it meets this challenge by providing lower-income housing opportunities in its adequate sites inventory. However, all housing element sites for lower- and moderate RHNA are adjacent and located within the North Business Park Specific Plan. The program should be revised to commit to providing housing opportunities for persons with disabilities and affordable housing opportunities for lower- and moderate-income households throughout the City as opposed to potentially creating a R/ECAP through a land use policy which further limits choice.
- Action 8.4 (Access to Opportunity) states the City could be considered a Racially Concentrated Area of Affluence (RCAA). The City lacks affordable housing in a range of sizes and should enhance place-based investments, including access to transportation to facilitate access to proficient schools. As stated in Action 8.3 above, the City's response is to provide housing opportunities in the North Business Park Specific Plan and monitor the environmental quality, access to education, and economic opportunity in the area. The program should be revised to expand opportunities throughout the City as opposed to limiting opportunities to one area. as well as promoting development of a variety of housing types and sizes as opposed to the single-family development that dominates the City.

- Action 8.5 (Disproportionate Housing Needs and Displacement Risk) states the City faces a high cost burden, has a lack of affordable housing in a range of sizes, and a lack of accessible housing in a range of sizes. The program states it will maintain homeownership for low and moderate income households as well as monitor and preserve affordable housing for seniors and extremely-low income rental households. The Program should be revised to assist multifamily rental households, not just ownership households. In addition, multifamily assistance should not be limited to seniors or extremely-low income households, but provided more broadly to all lower-income and special needs households.
6. *Develop a plan that incentivizes and promotes the creation of ADU that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. (Gov. Code, § 65583, subd. (c)(7).)*

The element is required to include a program that incentivizes or promotes ADU development for very low-, low-, and moderate-income households. This can take the form of flexible zoning requirements, development standards, or processing and fee incentives that facilitate the creation of ADUs, such as reduced parking requirements, pre-approved building plans, fee waivers and more. Other strategies could include developing information packets to market ADU construction, advertising ADU development opportunities at City Hall and other locations, or establishing an ADU specialist within the planning department. Merely providing basic information on State ADU Law on the City's website is insufficient to meet this requirement.

#### **D. Quantified Objectives**

*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income category for low-, moderate- and above-moderate income, the element combines objectives for the very low- and extremely low-income categories. The element must be revised to separate the objectives for these income categories.

#### **E. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)*

After submission of the draft housing element to HCD for review, the City provided additional noticing to stakeholders that were not previously targeted. Additionally, notices were provided in Spanish and English and posted on the City's website and promoted through the City's social media platforms. The element should be revised to include additional public comments received, including comments regarding Appendix D – AFFH

Assessment, as that section of the housing element was not available to the public for review prior to submission of the draft housing element to HCD.

**F. Consistency with General Plan**

*The housing element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)*

For your information, some general plan element updates are triggered by housing element adoption. For example, a jurisdiction must address environmental justice in its general plan by the adoption of an environmental justice element, or by the integration of environmental justice goals, policies, and objectives into other general plan elements upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. (Gov. Code, § 65302, subd. (h).) In addition, the safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management and be revised upon each housing element revision. (Gov. Code, § 65302, subd. (g).) Also, the land-use element must identify and analyze disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established legacy communities) on, or before, the housing element's adoption due date. (Gov. Code, § 65302.10, subd. (b).) HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: [http://opr.ca.gov/docs/OPR\\_Appendix\\_C\\_final.pdf](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and [http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).