

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

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October 14, 2022

Jackie Young, Planning Director
Town of Woodside
2955 Woodside Road
Woodside, CA 94062

Dear Jackie Young:

RE: The Town of Woodside's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the Town of Woodside's (Town) draft housing element received for review on July 18, 2022. 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 a conversation on September 22, 2022 with you, Sage Schaan, Kevin Bryant, Nancy Woltering, Sarah Harper, and consultant Kai Ruess. In addition, HCD considered comments from YIMBY Law and Greenbelt Alliance, Housing Leadership Council of San Mateo County, Campaign for Fair Housing Elements, Ben Gilad, and Stephen Lubin pursuant to Government Code section 65585, subdivision (c).

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 the revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the Town fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c) (1) and Government Code section 65583.2, subdivision (c) are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the Town 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. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

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 Town will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the Town 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: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD is committed to assisting the Town in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Molivann Phlong, of our staff, at Molivann.Phlong@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX TOWN OF WOODSIDE

The following changes are necessary to bring the Town'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 <https://www.hcd.ca.gov/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements* (*Building Blocks*), available at <https://www.hcd.ca.gov/building-blocks> 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).)

A thorough program-by-program review is necessary to evaluate Town's performance in addressing housing goals. As part of this analysis, the element should describe and quantify the actual results of the prior element's programs and evaluate effectiveness by, for example, comparing those results to the planned objectives. This information and analysis provides the basis for developing an effective housing program.

In addition, as part of the review of programs in the past cycle, the element must provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers and persons experiencing homelessness).

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).)*

Fair Housing Enforcement and Outreach: The element must include the Town's ability to provide enforcement and outreach capacity which can consist of actions such as the Town's ability to investigate complaints, obtain remedies, or the Town's ability to engage in fair housing testing. Further, the element currently states that outreach consisted of Town Council meetings, webinars, and commission meetings and does not describe efforts that were made to communicate with protected classes or identify methods that were used to perform outreach and engage the public. Finally, the analysis must also describe

compliance with existing fair housing laws and regulations and include information on fair housing outreach capacity throughout the planning period.

Integration and Segregation: The element includes some data on integration and segregation at the regional and local level; however, it must include an analysis of patterns over time. The element must also analyze segregation and integration of familial status, income, and persons with disabilities both locally (Comparing areas within the Town) and regionally (Comparing the Town to the broader region) and concluding with a summary of issues. For persons with disabilities, the element must include an analysis with local data and knowledge and describe the issues within the Town. For familial status, the element must describe concentrations of familial status within the Town and provide a regional level analysis. For income, the regional analysis should also analyze how the Town relates to immediate surrounding areas and incorporate local data and knowledge and other relevant factors to specifically examine the significant differences in income patterns. Lastly, the element must describe local concentrations of white residents within the Town and evaluate the disparities and differences in race within the region.

Racial/Ethnic Areas of Concentration of Poverty and Affluence: While the element includes information relative to Racially and Ethnically Concentrated Areas of Poverty (R/ECAP), it must also address concentrated areas of affluence both locally and regionally. The Town is predominantly a highest resource category according to TCAC/HCD Opportunity Maps and is predominantly highest income. In addition, according to HCD data, the Town is a Racially Concentrated Area of Affluence. These patterns differ from the surrounding region and the element should include specific analysis of the Town compared to the region, including local knowledge and other relevant factors such as past land use practices or the lack of public investment in affordable housing, and should formulate policies and programs to promote an inclusive community. For example, the Town should consider additional actions (not limited to the regional housing need allocation (RHNA)) to promote housing mobility and improve new housing choices and affordability throughout the Town.

Disparities in Access to Opportunity: The element provides some information on disparities in access to opportunity but must include qualitative and quantitative support. A complete analysis should include local and regional disparities of the educational, environmental, and economic scores through local, federal, and/or state data. While the data for education shows that school districts are the least diverse districts in the County, it should analyze the factors that contribute to the disparities in access to education. The element should also analyze what contributes to the high scores of access to economic opportunity while having few employment opportunities per household within the Town and also analyze the geographic difference in economic opportunity in the western part of the Town, including impacts on protected classes. For transportation, the element must analyze the access to transportation in the Town and regionally. This is particularly imperative to analyze given the noted high elderly population in the jurisdiction and their heightened potential for reliance on public transportation. The element states that the Town scores moderately to poorly on environmental outcomes, however, it should provide an analysis for the scores, include factors that contribute to these outcomes and describe

how the Town is addressing this finding, as well as include a regional analysis. Lastly, the element must analyze access to opportunity for persons with disabilities.

Disproportionate Housing Needs and Displacement: While the element states that the Town has relatively good stability compared to the County, it must analyze displacement risk in relation to the Town's affluence and analyze displacement risks due to disasters (i.e., fire, flood, and earthquake).

Sites Inventory: The element must include an analysis demonstrating whether sites identified to meet the regional housing need allocation (RHNA) are distributed throughout the community in a manner that affirmatively furthers fair housing. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups and how that effects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss whether the distribution of sites improves or exacerbates conditions, including any isolation of the RHNA by income group and include appropriate policies and programs to promote a more inclusive and equitable community.

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.

Goals, Actions, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting, and metrics or numerical targets and, as appropriate, address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection. Given that most of the Town is considered a highest resource community and concentrated area of affluence, the element should include a significant suite of programs that enhance broader housing mobility and encourage development of more housing choices and affordability throughout the community.

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).)*

Extremely Low-Income Households (ELI): The element must quantify existing and projected ELI households and analyze their housing needs. The analysis of ELI housing needs should consider tenure and overpayment, examine the disproportionate impacts on housing affordability and magnitude of housing needs and describe the effectiveness of resources and strategies the formulate an appropriate programmatic response.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Overpayment: While the element identifies (Appendix B) the percentage of lower income households overpaying, it must quantify and analyze the number of lower-income households overpaying by tenure.

Housing Conditions: While the element includes federal data on lack of plumbing and other factors and the age of the housing stock, it must also include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.

4. *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).)*

Progress in Meeting the RHNA: The Town's RHNA may be reduced by the number of new units pending, approved, under construction or built since June 30, 2022; however, the element must demonstrate their affordability and availability in the planning period. Affordability should be based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions). Availability should discuss the likelihood of the units being completed in the planning period, including status, any barriers to development, phasing build out horizons and other relevant factors. In addition, Table 3-5 (page 3-34) includes pipeline ADUs, single family development assumptions, and land divisions. The element must clarify whether the units and land divisions listed are current applications being processed, or the basis for the assumptions.

Sites Inventory: The element must list sites by parcel number, parcel size, zoning, general plan designation, describing existing uses for any nonvacant sites and include a calculation of the realistic capacity of each site. While the element includes most of these requirements, the inventory should include the calculation of units in whole number increments. In addition, the description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. Finally, Table 3-5 and page G-10 demonstrate a deficit of capacity for above-

moderate units, the element must ensure there are sufficient sites identified in the inventory, either with existing zoning or proposed rezones to meet the RHNA by income category.

Cañada College Site: While the element describes Cañada College, owned by the San Mateo County Community College District, as a potential site for housing affordable to lower-income households, it must clarify whether there is an existing development application for the Cañada College site. If there is a pending project, the element must describe the proposed affordability based on proposed sale prices or rents or other mechanism to ensure affordability such as deed restrictions and demonstrate their availability in the planning period.

If there is no current pending application, the element must analyze the feasibility for new residential development and availability of the site during the planning period including affordability assumptions on the large site (over ten acres) and redevelopment potential (see below). The element must also describe the status of the College 's plan related to the development of this site and expected development timing according to that plan. Finally, the element must indicate whether the development will be restricted to students or open to faculty or publicly available. Given the element's reliance on this site to accommodate the RHNA, and its inclusion in the previous 5th cycle housing element, the element must include programs with actions that commit to facilitating development and monitoring approvals (e.g., coordination with applicant to approve remaining entitlements, supporting funding applications, expediting approvals, rezoning or identification of additional sites should the applications not be approved).

Realistic Capacity: While the element provides assumptions of residential buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the residential capacity assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. In addition, currently, the rezone sites assume residential capacity at maximum allowable densities which do not appear to account for land use controls. The element must support this with past residential development trends as described above or revise residential capacity assumptions as appropriate. Finally, the calculation of residential capacity must also account for the likelihood of 100 percent non-residential uses in zones that allow 100 percent non-residential uses. This analysis should consider development trends and may utilize residential performance standards or policies and programs that ensure a residential component.

Small and Large Sites: Sites smaller than a half acre and larger than ten acres in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the element includes other evidence supporting

the suitability of these sites. Based on the outcomes of the analysis, the element should add or modify programs.

Zoning for Lower-Income Households: Pursuant to Section 65583.2(c)(3)(A) and (B), the element must identify sites with zoning and densities appropriate to accommodate housing for lower-income households based on factors such as market demand, financial feasibility, and development experience within zones. For communities with densities that meet specific standards (at least 20 units per acre for Woodside), this analysis is not required (Section 65583.2(c)(3)(B)). The element currently allocates units for lower income on sites that will be rezoned with densities of up to ten dwelling units an acre, the element does not currently support those assumptions. In addition, if rezones are not completed by January 31, 2023, then the element must include a program(s) to make appropriate zoning and development standards available in the planning period, including meeting by right and other requirements pursuant to Government Code sections 65583, subdivision (c)(1) and 65583.2, subdivisions (h) and (i).

Town-Owned Sites: The element must include additional discussion on each of the Town-Owned sites identified to accommodate the RHNA. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses, anticipated schedule for making the sites available and any known conditions that preclude development in the planning period. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. The demonstration must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, regulatory or other incentives or standards to encourage additional residential development on these sites, and the jurisdiction's past experience converting existing uses to higher density residential development. For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower income households, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing

uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

SB 9 Sites: The element identifies SB 9 as a strategy to accommodate part of the moderate and above-moderate income RHNA. To support this strategy, the analysis must include experience, trends and market conditions that allow lot splits. To address this requirement, the Town may survey property owners to gather interest in development in the planning period. The analysis must also address whether the existing use will not constitute an impediment for additional residential development. For example, the analysis should describe whether the use will continue or discontinue, how parcels were selected, account for land use controls such as development standards, potential for parceling if applicable, age and condition of structure and other relevant factors. Based on the outcomes of this analysis, the element should add or modify programs to establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development as well as monitor development every two years with and identify additional sites within six months if assumptions are not being met. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9.

Replacement Housing Requirements: If the element utilizes sites with existing residential uses, absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy must meet the requirements set forth in Government Code section 65915, subdivision (c) (3).

Accessory Dwelling Units (ADU): The element projects an ADU build out of 20 ADU and/or junior accessory dwelling unit (JADU) per year. The element also appears to list an additional ADU assumptions in the sites inventory. The element must clarify these additional ADUs numbers in relationship to the projections, update projections as appropriate and include policies and programs that incentivize the production of ADUs at the affordability levels assumed in the element. Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the planning period and implement additional actions if not meeting target numbers within a specified time period (e.g., within six months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

Previously Identified Nonvacant and Vacant Sites: Nonvacant sites identified in the prior planning period or vacant sites identified in two or more consecutive planning periods are inadequate to accommodate housing for lower-income households unless the element includes a program that requires rezoning within one or three years (whichever is applicable) of the beginning of the planning period. The program must allow residential use at appropriate densities by right for housing developments in which at

least 20 percent of the units are affordable to lower-income households. (Gov. Code, § 65583.2, subd. (c).) If utilizing sites identified in prior planning periods, the element must clearly indicate which sites were identified in previous planning periods and include a program as describe above.

Infrastructure: While the element includes a general discussion of sewer capacity, it must demonstrate sufficient existing or planned water, sewer, and dry utility capacity to accommodate the RHNA for the planning period. In addition, the element mentions water, sewer, and dry utilities are not available for all sites. The element must describe and analyze the constraints as well as their impacts on the identified sites to meet the RHNA and add a program as needed.

For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should demonstrate compliance with these requirements and add or modify programs, if necessary.

Environmental Constraints: The element must describe the identified environmental constraints or other conditions that could impact housing development on identified sites including, but not limited to, the open space covenant on the Farm Hill site and the identified constraints on the Highroad site.

Zoning for a Variety of Housing Types:

- *Emergency Shelters*: The element must clarify that emergency shelters are allowed without discretionary action in the CC zone and describe sufficient and suitable capacity in the identified zone. In addition, the element should list and evaluate development standards, including parking requirements for compliance with Government Code section 65583, subdivision (a)(4)(A) and add or modify programs as appropriate.
- *Transitional Housing and Supportive Housing*: Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) The element must demonstrate compliance with these requirements and include programs as appropriate.
- *By-Right Permanent Supportive Housing*: Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with these requirements and include programs as appropriate.
- *Low Barrier Navigation Centers*: Low Barrier Navigation Centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code

section 65660. The element must demonstrate compliance with this requirement and include programs as appropriate.

- *Single Room Occupancy (SRO) Units*: The element must describe where and how SROs are allowed or add a program as appropriate.
- *Housing for Farmworkers*: The Employee Housing Act permits housing under specific provisions. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. The element must demonstrate compliance with these requirements and include programs as appropriate.
- *Manufactured Housing*: The element must describe whether manufactured homes are allowed as a single-family use if on a permanent foundation consistent with Government Code section 65852.3 or include program if needed.
- *ADUs*: The element indicates the Town modified its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the Town's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the Town's ADU ordinance in order to comply with state law.

5. *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. (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis must also evaluate the impacts of land use controls independently and cumulatively on housing cost and supply, feasibility, ability to achieve maximum densities, timing, and approval certainty. The analysis should also describe past or current efforts to remove identified governmental constraints and the element should include programs to address or remove the identified constraints. In addition, the element must describe and analyze the development standards for the Multifamily Residential Development (MFRD) Overlay zone. The element must also describe what densities and use types are allowed in each zone, including the MFRD Overlay zone, that allows residential and whether any zone meets default density requirements. The element must also clarify whether residential uses are allowed in commercial zones in Community Commercial by-right. The element states housing can be developed in the SCP zones, but states there are several constraints. The element must analyze these constraints for their impact on the development of housing and include programs as appropriate. In addition, the element

describes a height restriction due to Measure J. The element must clarify whether the Town allows residential or mixed-use in that area, and whether there are plans to revise the measure and allow increased heights; the element should add or revise a program to address the constraint.

Fees and Exaction: The element must describe all required fees for single-family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing cost, supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. While the element includes the total fees for single-family, it must also include multifamily fees as well as the percent of total development costs for multifamily housing. In addition, the element must list all permit and impact fees related to housing development.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning, development standards, and fees for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1(a)(1).

Local Processing and Permit Procedures: While the element includes some information about processing times for single family development, it should also describe the procedures for a typical single family and multifamily development. The analysis should address the type of permit, discretionary approval procedure, design review processes, approval body, the number of public hearings if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty. For example, the element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate.

State Density Bonus Law: The Town's current density bonus ordinance should be reviewed for compliance with current state density bonus law (Gov. Code, § 65915) and programs should be added as necessary.

On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability.

Codes and Enforcement: The element must describe the Town's building and zoning code enforcement processes and procedures, including any local amendments to the building code, and analyze their impact as potential constraints on housing supply and affordability.

Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. For example, the analysis must describe any zoning code definitions of family and any spacing or concentration requirements for housing for persons with disabilities. The element must

also demonstrate the Town has a reasonable accommodation procedure for providing exception in zoning and land use or include a program to do so. Lastly, the element must describe and analyze how group homes for six or fewer and seven or more are allowed within the Town and add programs as appropriate. For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. These housing types should not be excluded from residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or conditional use permit (CUP) could potentially subject housing for persons with disabilities to higher discretionary exceptions processes and standards where an applicant must, for example, demonstrate compatibility with the neighborhood, unlike other residential uses.

Other Local Ordinances: The element identifies a short-term rental ordinance, it must analyze any locally adopted ordinances that directly impacts the cost and supply or residential development (e.g., inclusionary requirements, short term rentals, growth controls).

6. *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).)*

The element generally did not address this requirement. The element must include an analysis of potential non-governmental constraints, including availability of financing, the cost of construction for multifamily, 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. In addition, the analysis must identify local efforts to address non-governmental constraints that create a gap in the jurisdiction's ability to meet RHNA by income category. The analysis should address any hinderances on the jurisdiction's ability to accommodate RHNA by income category and include programs as appropriate.

7. *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).)*

Special Housing Needs: While the element includes (p. 1-14) some information on special needs residents it must quantify the number of seniors. In addition, while the element lists seniors with disabilities, it must also quantify and analyze all persons with disabilities within the Town. The element must also analyze the special housing needs for all groups including available resources (e.g., the elderly, persons with disabilities, large families, farmworkers, families with female-heads of households, youths, and families and persons in need of emergency shelter). Local officials, special needs service providers, or Town social and health service providers may be able to assist with information to complete the analysis.

8. *Analyze the opportunities for energy conservation with respect to residential development. (Gov. Code, § 65583(a)(8).)*

The element must include analysis of energy conservation opportunities in residential development. The analysis should facilitate the adoption of housing element policies and programs. For example, programs could provide incentives to promote higher density housing along transit, encourage green building techniques and materials in new construction and remodels, promote energy audits and participation in utility conservation programs, and facilitate energy conserving retrofits upon resale of homes.

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... (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact and achieve the goals and objectives of the housing element, programs must have specific commitment and discrete timelines, as follows:

- Program H2.1c (Provide Public Transit): The program should include timing of how often the Town will reach out regarding transit.
- Program H3.1a (Administer and Support New Independent Housing At Cañada College): The program should describe types of resources that will be provided, affordability levels, current status, and the timing associated with incentives.
- Program H3.1b (Streamline Cañada College Housing Development Standards): The program should provide the affordability levels for units.
- Program H3.3a (Consider Reducing Town Permit Fees for Higher Density Housing): The program must include specific commitment to housing outcomes. In addition, it should clarify whether the implementation actions will be complete by 2022; and provide densities that will be allowed.
- Program H3.3b (Expedite Processing of Higher Density Housing): The program should describe what is considered higher density as well as provide outreach for

the program. The program should also revise the metric to address the program actions instead of ADUs.

- Program H4.1a (Continue to Enable Access to Housing for People with Disabilities): The program must state if the Town has a Reasonable Accommodation procedure or add a commitment to create one. The program should also include specific metrics and proactive outreach.
- Program H4.1b (Amend Zoning Ordinance to Expand Exceptions for People with Disabilities): The program should specify what amendments are needed.
- Program H4.1c (Group Homes): The program must be revised to allow six or fewer persons in all zones allowing residential use and must allow group homes for seven or more persons objectively to facilitate approval certainty. The program must also add timing of implementation.
- Program H4.2: The programs in this section should include programs for persons with special needs (farmworkers, persons with disabilities, etc.).
- Program H4.2b (Employee Housing): The description of employee housing in this program does not match state requirements; it must clarify if the Town complies with Employee Housing Act as well as include proactive outreach, describe specific actions to be taken, and add timing and metrics or numerical objectives.
- Program H4.1b (Amend Zoning Ordinance to Expand Exceptions for People with Disabilities): The program should provide specific actions, as well as clarify program implementation and timing.
- Program H4.3a (Cooperate with Agencies Providing Emergency Shelter): The program should include specific implementation, how often coordination will occur, and describe services and funding that will be provided.
- Program H5.1c (Facilitate and Encourage Neighborhood Preparedness): The program should describe how often it will occur, include outreach to residents, and include specific actions with timing.
- Program H5.2a (Provide Sewer to Address Waste Disposal Failures): The program should describe how often information will be provided and commit to efforts and actions to improve sewer access.
- Program H5.2B (Prioritize Sewer for Higher Density Residential Development): The program should prioritize developments with affordable housing.
- Program H5.2c (Coordinate with Cal Water to Ensure Adequate Water Supplies): The program should clarify if current water supplies are sufficient for identified sites and provide the occurrence for coordination.
- H6.2 (Rehabilitate the Existing Housing Stock): All programs in this section should have specific metrics; provide outreach to residents with properties in need of rehabilitation.
- Program H6.2b (Provide Exceptions and Variances): The program should clarify if this program will result in discretionary actions and clarify what determines project qualification.
- Program H6.2c (Evaluate Development Standards in The Western Hills): The program should include clear implementation of revised development standards and describe what will be completed by the implementation date.

- Program H6.2d (Utilize Rehabilitation Programs): The program should include proactive outreach and if the information is available on the Town's website.
- Program H6.3 (Promote Sustainability Including Energy Efficiency): The programs should include proactive outreach; specify adoption timing for Program 6.3a; clarify and provide how energy efficiency will be encouraged.

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 B4, 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 Town 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 H2.1a (Establish Higher Density Zoning Near Freeway Access): The program must meet by-right rezone requirements (Gov. Code, § 65583.2, subd. (h) and (i)) if needed to accommodate the lower-income RHNA.

Program H3.2a (Rezone Town-Owned Sites Identified in The Housing Element, Table 3-5): must meet rezone requirements (Gov. Code, § 65583.2, subd. (h) and (i).); In addition, the element must clarify whether if these sites are the same sites as program H2.1a.

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).)*

The element must include a program(s) with specific actions and timelines to assist in the development of housing for extremely low-income households. The program(s) could commit the Town to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting, or pursuing funding applications; and outreach and coordination with affordable housing developers.

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 B5 and B6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

5. *Promote and affirmatively further fair housing 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... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

Programs related to encouraging ADUs should be revised, as follows:

- Program H1.1b (Outreach to Encourage ADUs): The program should be revised to include specific implementation timing, quantify how often the website will be updated, and include specific metrics.
- Program H1.2a (Prepare and Distribute Brochures on ADUs/JADUs): The program should quantify how often distribution will occur.
- Program H1.2c (Conduct ADU Workshops by New Town Council Districts): The program should specify the current status of implementation.
- Programs H1.3a (Consider Modifying Local Regulations to Permit Additional ADUs On Properties Exceeding Two Acres), H1.3b (Consider Modifying Local Regulations to Remove Barriers To Constructing ADUs and JADUs), H1.3C (Consider Reducing Town Permit Fees For ADUs and JADUs): must include specific commitment to housing outcomes beyond “consider” and specify what will be completed by the implementation date.
- Program H1.3d (Expedite Permitting for ADUs And JADUs): The program should provide program objectives including outreach.

- Program H1.3e (Develop Amnesty Program for ADUs and JADUs): The program should provide proactive outreach as well as specify what actions will be taken as a result of the program.

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 for construction, rehabilitation, and conservation by income group, including extremely low-income households. Please see the Building Blocks for additional information.

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)(9).)

While the element includes a general summary of the public participation process (p. 3-4), it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process and include translation services. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element.

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).)

While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.