



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 11/15/2023

ITEM NO: 1

ADDENDUM

DATE: November 14, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider and Make a Recommendation to the Town Council on the Draft Revised 2023-2031 Housing Element. Location: Town-Wide. General Plan Amendment Application GP-22-003.

REMARKS:

Exhibit 3 includes a draft preliminary review matrix provided by the California Department of Housing and Community Development (HCD) with the reviewer's preliminary comments on the Draft Revised Housing Element as submitted to HCD on October 2, 2023. The draft preliminary review matrix includes the following five columns:

- Prior HCD Finding – This column lists HCD's comments from the May 30, 2023, findings/comment letter.
- Page # – This column includes page references to the track changes version of the Draft Revised Housing Element from the HCD reviewer.
- Preliminary Review – This column includes a preliminary rating of "Yes" or "No" to indicate if comment has been resolved and no longer prevents certification, with occasional use of "~" to indicate that additional content may be requested.
- HCD Notes – This column provides additional details that are being requested by the HCD reviewer when the preliminary determination is other than "Yes."
- Staff Response – This column provides a draft initial response from staff and is expected to be further refined prior to resubmittal to HCD.

In parallel with the discussion of the Draft Revised Housing Element on November 15, 2023, Town staff and the consultant will continue to work on implementing modifications based on the draft preliminary review matrix provided to the Town on November 7, 2023. Staff expects to have the Draft Revised Housing Element with the additional modifications completed for a future special Planning Commission meeting, at which time the Planning Commission will

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Reviewed by: Planning Manager, Community Development Director, and Town Attorney

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SUBJECT: DRAFT REVISED 2023-2031 HOUSING ELEMENT/GP-22-003

DATE: November 14, 2023

REMARKS (continued):

review, deliberate, and make a recommendation to the Town Council on whether to adopt the Draft Revised Housing Element with additional modifications. The Planning Commission's recommendation on the adoption of the Draft Revised Housing Element is tentatively scheduled for consideration by the Town Council on December 19, 2023.

EXHIBITS:

Previously received with the November 15, 2023, Staff Report (available online at:
www.losgatosca.gov/HousingElement):

1. Draft Revised 2023-2031 Housing Element
2. Environmental Analysis

Received with this Addendum Report:

3. Draft Preliminary Review Matrix

**Draft Preliminary Review Matrix on the Draft Revised
Housing Element, as submitted to HCD on October 2, 2023
Received November 7, 2023, with Staff Responses as of November 14, 2023**

Prior HCD Finding	Page #	Preliminary Review	HCD Notes	Staff Response
Affirmatively Furthering Fair Housing				
<p><u>Regional Level Patterns and Trends:</u> The element includes some data and analysis regarding different patterns for various socio-economic characteristics (race and income). However, a complete analysis should analyze this data for patterns and trends at the regional level, comparing the locality to the broader region, including integration and segregation (race, income, disability, and familial status), disparities in access to opportunity (education, environmental, transportation, economic), and disproportionate housing needs (cost burdened, overcrowded, substandard housing conditions, homelessness, and displacement risks). Please see HCD's January 12, 2023 review for additional information.</p> <p><u>HCD Prior Review:</u> While the element includes several maps and tables and reports data, it generally must evaluate the data and especially at a regional level, comparing the Town to the broader region. This is particularly important since the Town appears far different from the rest of the region. The analysis should address all components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity) and should focus on race, income, and overall access to opportunity). The analysis should address trends and incorporate local data and knowledge and other relevant factors (See below).</p>	A35	Y~	Should be some discussion of trends whether it's at an aggregate level with maps and data tables.	<p>Additional maps and data of the population by protected class at a local and regional level comparison was provided starting on page A-35 through page A-62 of the Draft Revised Housing Element (September 2023) track change version.</p> <p>Additional maps and data related to disparities in access to opportunity at a local and regional level comparison was provided starting on page A-68 through A-100 of the Draft Revised Housing Element (September 2023) track change version.</p> <p>Additional data and maps related to disproportionate housing needs at a local and regional level comparison was provided starting on page A-101 through A-159 of the Draft Revised Housing Element (September 2023) track change version.</p> <p>Work is in progress by staff and the consultant to include discussion on the trends identified through the analysis.</p>

Prior HCD Finding	Page #	Preliminary Review	HCD Notes	Staff Response
<u>Income and Racial Concentration of Affluence (RCAA)</u> : The element states that a RCAA does not exist; however, the Town is predominantly a high resource category according to TCAC/HCD Opportunity Maps and is predominantly higher income. These patterns differ from the surrounding region and the element should include specific analysis of the Town compared to the region 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 Needs Allocation (RHNA)) to promote housing mobility and improve new housing opportunities throughout the Town.	A63 A150	No	The element now includes actions to promote an inclusive community; however, the element must provide specific analysis of income and RCAA at a regional level (town compared to the broader region). The analysis should at least address trends, conditions, coincidence with other fair housing factors (e.g., race, highest resource, overpayment), effectiveness or absence of past strategies (e.g., lack of publicly assisted housing and lack of multifamily zoning), local data and knowledge and other relevant factors. Please see Los Altos Hills as examples.	Additional analysis, data, and maps describing that all census tracts in the Town are considered to be Racially Concentrated Areas of Affluence (RCAA) was provided on page A-65 through A-67 and page A-151 through A-152 of the Draft Revised Housing Element (September 2023) track change version. Work is in progress by staff and the consultant to include additional information related to the outcome of the analysis.
<u>Disparities in Access to Opportunity</u> : While the element was revised to include the distances between public schools for each site to a public transit line, it must also evaluate and compare concentrations of protected groups with access to transportation options. In addition, it must also analyze any disproportionate transportation needs for members of protected classes.	A76 A89	Yes		
<u>Identified Sites and Affirmatively Furthering Fair Housing (AFFH)</u> : While the element was revised with brief conclusions that identified sites do not exacerbate fair housing conditions, it must also quantify the number of units by income group and location then evaluate the impact on socio-	A144 - 163	Yes		

Prior HCD Finding	Page #	Preliminary Review	HCD Notes	Staff Response
<p>economic concentrations. Please see HCD's January 12, 2023 review for additional information.</p> <p><u>HCD Prior:</u> The element must include data on the location of regional housing need allocation (RHNA) sites by income group relative to all fair housing components. The analysis should address the number of units by income group and location, any isolation of the RHNA by income group, magnitude of the impact on existing concentrations of socio- economic characteristics and discuss how the sites improve fair housing conditions. The analysis should be supported by local data and knowledge and other relevant factors and programs should be added or modified as appropriate to promote inclusive and equitable communities.</p>				
<p><u>Local Data, Knowledge and Other Relevant Factors:</u> The element included some information about regional history, referenced stakeholder comments and discussed the location of assisted projects and housing choice vouchers. However, the element needs to provide information and analysis that relates, supports, or supplements the existing analysis, fair housing conclusions, or contributing factors. The element must consider other relevant factors that have contributed to certain fair housing conditions. This analysis must consider information that is unique to the Town or region; such as governmental and nongovernmental actions; historical land use and zoning practices (e.g., past redlining/Greenlining, restrictive covenants, planning documents, etc.); disparities in investment to specific communities including transportation investments; seeking investment or lack thereof to promote affordability and inclusion; local initiatives,</p>	A4 A14	No~	The city can utilize staff knowledge and reach out to service providers for local data.	<p>Local knowledge and history were added on page A-14 through A-15 of the Draft Revised Housing Element (September 2023) track change version.</p> <p>Work is in progress by staff and the consultant to include additional information related to feedback provided by local service providers.</p>

Prior HCD Finding	Page #	Preliminary Review	HCD Notes	Staff Response
or other information that may have impeded housing choices and mobility.				
<u>Contributing Factors to Fair Housing Issues:</u> The element identifies contributing factors to fair housing issues. However, these issues and goals do not appear adequate to facilitate the formulation of meaningful actions to AFFH. The element should re-assess contributing factors upon completion of analysis and make revisions as appropriate. In addition, the element must prioritize these factors to better formulate policies and programs and carry out meaningful actions to AFFH.	A16	TBD	Dependent upon complete analysis.	Analysis of the Town's contributing factors with a priority rating were added on page A-16 through A-19 of the Draft Revised Housing Element (September 2023) track change version. Work is in progress by staff and the consultant to include additional information, as requested by HCD.
Housing Needs Assessment				
<u>Housing Conditions:</u> The element discusses code enforcement violations; however, it must also provide a Town-wide estimate of the number of units in need of rehabilitation and replacement.	B25	Yes		
<u>Special Housing Needs:</u> The element was not revised to address this finding. Please see HCD's January 12, 2023 review for additional information. <u>HCD Prior Review:</u> While the element quantifies some of the Town's special needs populations, it must also estimate the number of persons experiencing homelessness in the Town. In addition, the element reports data but must also analyze the special housing needs. For a complete analysis of each population group, the element should quantify the needs, evaluate trends and characteristics (e.g., tenure, income) of housing needs, discuss disproportionate challenges faced by the population, the existing resources to meet those needs, assess any gaps in resources or effectiveness of past strategies, describe the magnitude of the	B40+ C57	~	Commercial Industrial (LM) will permit ES by right; however, program should go beyond reviewing town code and make amendments as necessary to align with all state requirements.	Analysis of the Town's compliance with Assembly Bill 2339 for emergency shelters was added on page C-57 of the Draft Revised Housing Element (September 2023) track change version. Program AP of the Draft Revised Housing Element (September 2023) includes Implementation Program AP which outlines amendments to the Town Code to better facilitate the provision of a variety of housing types, prioritize special needs housing by allowing for reduced processing times and streamlined procedures, and include preferential handling of special needs populations in management plans and regulatory agreements of funded projects.

Prior HCD Finding	Page #	Preliminary Review	HCD Notes	Staff Response
remaining need and appropriate propose policies and programs.				Work is in progress by staff and the consultant to clarify that the Town will comply with State requirements for emergency shelters.
Sites Inventory, Analysis and Adequate Sites				
<p><u>Realistic Capacity</u>: While the element now clarifies that minimum densities are utilized toward the calculation of realistic capacity; it must still address HCD's prior finding regarding the likelihood for 100 percent nonresidential development in zones allowing 100 percent nonresidential uses. Please see HCDs prior review for additional information.</p> <p><u>HCD Prior Review</u>: The element must include a methodology for calculating the realistic residential capacity of identified sites. The methodology must be adjusted as necessary, based on the land use controls and site improvements and typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction. For example, the element could clearly list other recent projects, the zone, acreage, built density, allowable density, level of affordability and presence of exceptions such as a density bonus.</p>	D2-D5 D13	No	Program BH must clarify by right definition for reuse sites.	<p>Program AS of the Draft Revised Housing Element (September 2023) identifies the reuse sites included in the 6th cycle Housing Element.</p> <p>Work is in progress by staff and the consultant to include the definition of by right development in Program AS.</p>
<p><u>Nonvacant Sites</u>: The element was not revised to address this finding. Please see HCD's January 12, 2023 review for additional information.</p> <p>In addition, specific analysis and actions are necessary if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, 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, §</p>	D5	Yes~	Utilizes factors: ILV, FAR, Age (40 years), # of stories.	A nonvacant capacity analysis was provided on page D-5 through D-13 of the Draft Revised Housing Element (September 2023) track change version. The characteristics of existing uses (age, floor area ratio, improvement-to-land value, single vs. multi-story), and whether such characteristics are conducive to future redevelopment were all included in the analysis.

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<p>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.</p> <p><u>HCD Prior Review:</u> The element must include an analysis demonstrating the potential for additional development on nonvacant sites. The element generally provides a description of the properties like location and whether the property owner submitted an interest form but does not describe the results of the form or why the property might redevelop in the planning period. To address this requirement, the element should address the extent to which existing uses may constitute an impediment to additional residential development, the Town's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.</p>				<p>Work is in progress by staff and the consultant to clarify and/or provide additional information related to the nonvacant capacity analysis.</p>
<p><u>Small Sites:</u> The element was not revised to address this finding. Please see HCD's January 12, 2023 review for additional information.</p> <p><u>HCD Prior Review:</u> The element identifies several sites smaller than a half-acre. Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent</p>	<p>? Elec. SI</p>	<p>No</p>	<p>No revisions made?</p>	<p>The income distribution for sites D-3, D-4, and D-7 were modified as part of Appendix H to place all housing units in the above moderate-income category since each parcel is less than half an acre and deemed inadequate to accommodate housing for lower-income housing.</p>

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size and affordability were successfully developed during the prior planning period or other evidence demonstrates the suitability of the sites to accommodate housing for lower-income households, including programs as appropriate.				<p>Sites B-1, C-2, D-1, and D-5 are each composed of multiple parcels. The parcels that are less than half an acre in size within each site are identified below in underlined text; however, since they are owned by the same property owner, they have been consolidated in the Sites Inventory based on anticipated future development as one, merged site.</p> <ul style="list-style-type: none"> Site B-1: APN's 52924032, 52924001, and <u>52924003</u>; Site C-2: APN's <u>42419049</u>, 42419048, and 42419069; Site D-1: APN's 42407094, 42407095, <u>42407053</u>, <u>42407009</u>, 42407081, 42407115, and 42407116; and Site D-5: APN's <u>42407054</u> and 42407063. <p>Work is in progress by staff and the consultant to clarify that the aforementioned sites are small parcels, not small sites.</p>
<p><u>SB 9 Sites:</u> The element is projecting 96 units that will be developed based on the passage of SB 9 (Statutes of 2021) to accommodate a portion of its above moderate-income RHNA. To utilize projections based on SB 9 legislation, the element must; 1) include a site-specific inventory of sites where SB 9 projections are being applied; 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute as an impediment for additional residential use. The element should list the four two-unit housing development applications and the seven urban lot splits, and the two development requests on single-family residential zoned parcels; and Program BL should be revised to implement significant incentives to encourage and</p>	C50 D66	No	<p>Element was revised to include factors utilized such as age, ILV, and lot coverage; however, should relate to site inventory specific for Sb 9 projects, including all four two unit housing development applications, and seven urban lot requests. In addition, the element must discuss trends and likelihood of redevelopment. For example, the town can identify on a site specific analysis owner interest, existing use, and other conditions of the</p>	<p>A Senate Bill 9 analysis, including identifying the number of parcels in Town that qualify for a lot split was provided on page D-66 of the Draft Revised Housing Element (September 2023) track change version.</p> <p>Work is in progress by staff and the consultant to provide more site specifics for Senate Bill 9 projects.</p>

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<p>facilitate development. Please see HCD's January 12, 2023 review for additional information.</p> <p><u>HCD Prior Review:</u> The element identifies SB 9 as a strategy to accommodate the part of the Town's RHNA. To support these assumptions, the analysis must include experience, trends and market conditions that allow lot splits. The analysis must also include a nonvacant sites analysis demonstrating the affordability, likelihood of redevelopment and the existing use will not constitute as an impediment for additional residential use. The analysis should describe how the Town determined eligible properties, whether the assumed lots will have turnover, if the properties are easy to subdivide, and the condition of the existing structures or other relevant factors indicating additional development potential. The analysis should also describe interest from property owners as well as experience. The analysis should provide support for the assumption of eligible properties being developed within the planning period. 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.</p>			<p>existing infrastructure or relevant factors indicating additional development. Please see HCDs prior review. See the town of Ross as example.</p>	
<p><u>Zoning for a Variety of Housing Types (Manufactured Housing):</u> The element was not</p>	C15	No	<p>Include program to comply with gov code 65852.3.</p>	<p>Narrative describing that manufactured housing is permitted by-right on all residentially zoned parcels was included on page C-14 of the</p>

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<p>revised to address this finding. Please see HCD's January 12, 2023 review for additional information.</p> <p><u>HCD Prior Review:</u> The element must demonstrate zoning permits manufactured housing on a permanent foundation in the same manner and in the same zone as a conventional or stick-built structures are permitted (Government Code Section 65852.3) or add or modify programs as appropriate.</p>				<p>Draft Revised Housing Element (September 2023) track change version.</p> <p>Work is in progress by staff and the consultant to include a new Implementation Program that states that the Town will comply with Government Code Section 65852.3 related to manufactured housing.</p>
Governmental Constraints				
<p><u>Land Use Controls:</u> The element now lists development standards by zoning district. However, it must also list and evaluate development standards for the North Forty Specific Plan, Mixed-Use Commercial, and the High-Density Residential zones. Please see HCD's January 12, 2023 review for additional information</p> <p><u>HCD Prior Review:</u> The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. For example, the element should analyze all development standards by zoning district for impacts on housing costs and ability to achieve maximum densities. The element should also discuss any local initiatives, referendums, moratoriums or other mechanisms (existing or proposed) that impact housing supply, cost, feasibility, timing and ability to achieve maximum densities. In addition, the analysis should specifically address the development standards in the North Forty Specific Plan, Mixed Use Commercial, and the High-Density Residential zone. The analysis must evaluate the cumulative impacts of land use controls on the cost</p>	<p>C3</p> <p>C6</p> <p>D2</p>	~	<p>Medium and High Density Residential would be based on the underlying zone in the 2020 GP?</p>	<p>An evaluation of the North Forty Specific Plan residential development standards was provided on page C-6 of the Draft Revised Housing Element (September 2023) track change version. Development standards for residential and commercial development were provided in Table C-1 on page C-5 of the Draft Revised Housing Element (September 2023) track change version.</p> <p>Work is in progress by staff and the consultant to describe the residential development standards for the mixed-use and high-density residential land use designations.</p>

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and supply of housing, including the ability to achieve maximum densities. The Town could engage the development community to assist with this analysis.				
<u>Fees and Exaction:</u> The element now compares total fees as a proportion of the total development costs but still must list the fees that comprise that total and particularly impact fees then evaluate those total fees for impacts on development costs.	C19 C36	No	Revise to include MU unit project Table C-4, but should also list fees for MF projects.	A table summarizing the development and permit fees required for a single-family and mixed-use development were provided in Table C-4 on page C-20 of the Draft Revised Housing Element (September 2023) track change version. Work is in progress by staff and the consultant to modify the table to include the development and permit fees for a multi-family project.
<u>Local Processing and Permit Procedures:</u> While the element provides additional information on the processing of a typical market rate single or multi-family housing application, it mentions approval is required by the Development Review Committee (DRC) (p. C-29). The element must describe and analyze the DRC process, identify and evaluate approval findings for impacts on housing cost and approval certainty.	C37 C44	Yes~	All CUP approval findings should be based on objective design standards to promote certainty.	The findings for a housing project which requires a Conditional Use Permit (CUP) was provided on page C-48 of the Draft Revised Housing Element (September 2023) track change version. Work is in progress by staff and the consultant to provide additional narrative describing the CUP findings based on objective design standards.
<u>Housing for Persons with Disabilities:</u> The prior review found the Town's reasonable accommodation procedure contains constraints. For example, subjective language in approval findings such as "no impact on surrounding uses" can lead to uncertainty of project approval through a discretionary process. In response, the Town commits Program BC to revise subjective language criteria to "minimal impact on surround uses" (p. C-38). However, reasonable accommodation is a unique exception process that should not contain findings similar to a conditional use permit. Program	10-53 C47	No	Program V. See suggested language in blue below .	Implementation Program V on page 10-53 of the Draft Revised Housing Element (September 2023) track change version includes language to review the Reasonable Accommodation procedure on an annual basis. Work is in progress by staff and the consultant to modify the language of Implementation Program V to include the suggested language by HCD.

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BC should be revised to specifically remove the surrounding uses finding.				
<u>Inclusionary Zoning Ordinance</u> : While the element now discusses alternatives for meeting the Town's inclusionary requirements, it should still describe incentives, including relationships with state density bonus law and how the level of affordability is determined.	C53	Yes		
Housing Programs: Beneficial Impact				
<p>Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. The following programs still must be revised to include specific commitments and definitive timelines as follows:</p> <p><u>Program M (Lot Consolidation)</u>: While the program was revised to facilitate four units through the lot consolidation process, it should increase the numerical objective in stride with the need. Specially as the Town is relying on several small sites to accommodate a portion of lower income RHNA.</p>	10-45	No	Metrics should not be limited to RHNA.	<p>Implementation Program K on page 10-45 of the Draft Revised Housing Element (September 2023) track change version describes outreach by the Town to property owners to facilitate lot consolidation, including an amendment to the Town Code for development incentives to encourage the parcel merger process in a streamlined and timely manner.</p> <p>Work is in progress by staff and the consultant to modify the metrics and increase the numerical objective of Implementation Program K.</p>
<u>Program S (Affordable Housing Development)</u> : The program should increase the numerical objective to target meaningful outcomes during the planning period.	10-48	No	Program O must be revised to include a timeline when development impact fees will be reduced.	<p>Implementation Program O on page 10-48 of the Draft Revised Housing Element (September 2023) track change version describes incentives for affordable housing development.</p> <p>Work is in progress by staff and the consultant to revise the expected timeline of when development impact fees will be reduced as part of this program.</p>

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<u>Program T (Purchase Affordability Covenants in Existing Apartments)</u> : The element should revise the timeline earlier in the planning period to target a beneficial impact (e.g., by 2026).	10-49	Yes	Program P.	Implementation Program T on page 10-49 of the Draft Revised Housing Element (September 2023) track change version describes a program for the Town to purchase affordability covenants. Work is in progress by staff and the consultant to revise the expected timeline to be earlier in the planning period.
<u>Program BM (Story Poles and Netting Policy)</u> : The program now commits to review the story pole and netting policy and explore options to reduce costs affordable housing. However, the program still must commit to an actual outcome, beyond exploring options. In addition, the program should also establish alternatives or modifications that promote approval certainty. For example, the program could remove the requirements or create alternative for meeting the requirement such as visual renderings.	10-69 C36	No	Program AW must be revised to include specific commitment to amend story poles and netting policy. In addition, the City should consider public comments submitted by developer.	Implementation Program AW on page 10-69 of the Draft Revised Housing Element (September 2023) track change version describes that the Story Pole and Netting Policy will be reviewed to reduce the associated costs of installing story poles. Work is in progress by staff and the consultant to revise the program to include relevant information regarding the status of this progress by the Planning Commission and Town Council, as well as public comments that have been submitted.
Housing Programs: Sites				
As noted in Finding A3, 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. As noted in the prior review, if necessary to make appropriate zoning available to accommodate the lower-income RHNA, Program D (Additional Housing Capacity) must be revised to meet all requirements pursuant to Government Code section 65583.2,	10-42	No	Program D+. Program AR must comply with prior identified sites pursuant to gov code 65583.2 c) to make prior identified sites available, if necessary.	Program AS of the Draft Revised Housing Element (September 2023) identifies the reuse sites included in the 6 th cycle Housing Element. Work is in progress by staff and the consultant to include the definition of by right development in Program AS, consistent with Program D.

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subdivisions (h) and (i). For example, the Program must commit to permit owner-occupied and rental multifamily uses by-right (without discretionary action) for developments in which 20 percent or more of the units are affordable to lower-income households.				
Housing Program: Constraints				
As noted in Finding A4, the element requires a complete analysis of potential governmental 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.		TBD	Depends on a complete analysis.	Governmental constraints are identified and analyzed in Appendix C, starting on page C-1 of the Draft Revised Housing Element (September 2023). Work is in progress by staff and the consultant to determine if additional analysis is required.
Housing Program: AFFH				
As noted in Finding A1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the Town may need to revise or add programs. Actions listed to address AFFH analysis must have specific commitments, milestones, geographic targeting and metrics or numerical targets and, as appropriate; address housing mobility enhancement; new housing choices and affordability in higher opportunity or higher income areas; place-based strategies for community revitalization and displacement protection. For example, the element must add significant and meaningful housing mobility actions to overcome the existing patterns in the Town related to the broader region. Given, among other things, the Town is entirely in the highest category of disparities in access to opportunity and largely does not reflect the socio-economic characteristics of the broader region. The element must include significant actions		No	Following a complete analysis, the town must revise to include robust suit of actions that provide stronger housing mobility programs beyond RHNA.	An Affirmatively Furthering Fair Housing (AFFH) report and analysis of the Town and at a regional level is provided in Appendix A, starting on page A-1 of the Draft Revised Housing Element (September 2023). Work is in progress by staff and the consultant to determine if additional analysis is required that would result in actions to provide stronger housing mobility programs.

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to promote housing mobility within the Town and relate to the region to promote an overall inclusive community. The element could consider improving existing programs or including new programs.				
Housing Program: ADU				
<u>Program U Accessory Dwelling Units (ADU):</u> While the program now commits to annually monitor the production and affordability of ADUs and make adjustments. It should clarify the types of adjustments that will be considered such as rezoning, additional incentives, fee reductions, financing programs.	10-50	No	Program Q. The city must include a definitive timeline of when alternative actions will be taken. See suggested language in blue .	Implementation Program Q on page 10-49 of the Draft Revised Housing Element (September 2023) track change version describes multiple Town efforts to encourage the creation of Accessory Dwelling Units (ADU). Work is in progress by staff and the consultant to modify the language of Implementation Program Q to include the suggested language by HCD.
Other Revisions				
<u>Quantified Objectives:</u> The element now includes quantified objectives for new construction and rehabilitation by income group but should also include conservation objectives. Please note, conservation objectives are not limited to at-risk preservation and may include a variety of activities that promote safe and stable housing such as code enforcement and tenant protections. Examples of programs that may be utilized include Programs T (Purchase Affordability Covenants in Existing Apartments), AE (Rental Dispute Resolution), AF (Rental Assistance), AH (Stabilize Rents) and AQ (Rental Housing Conservation).	10-34	Yes	Revised objectives.	
<u>Public Participation:</u> While the element was revised to include the renters survey results and previous outreach conducted, it must also summarize all public comments and describe how they were considered and incorporated into the element.	10-10 App I and	~/No	How were comments submitted by Erick Phillips 7/31/23 addressed?	Appendix I was added to the Draft Revised Housing Element (September 2023) including all verbal and written public comments that have been provided to the Town.

Prior HCD Finding	Page #	Preliminary Review	HCD Notes	Staff Response
HCD's future review will consider the extent to which the revised element documents how the Town solicited, considered, and addressed public comments in the element. The Town's consideration of public comments must not be limited by HCD's findings in this review letter. Please see HCD's prior review for additional information.	App G			Work is in progress by staff and the consultant to respond in Appendix I to the public comment submitted by Eric Phillips.
<u>General Plan:</u> While the element identifies Program BG (General Plan Amendment) to ensure consistency with the General Plan, it should discuss how consistency will be maintained throughout the entire planning period.	10-67	Yes	Program AQ.	
Other (HCD use only)				
Public comments	App A	?	5 public comments submitted: Anne Paulson, Phil Koen (2), Maryknol, Eric Phillips.	Appendix I was added to the Draft Revised Housing Element (September 2023) including all verbal and written public comments that have been provided to the Town. Work is in progress by staff and the consultant to further respond to the public comments referred to by HCD.
Pipeline Projects	D 68	?	Table D-7 pipeline projects included in previous years APRs? Need confirmation of DOF.	On page D-68 of the Draft Revised Housing Element (September 2023) track change version, table D-7 was added to include housing units that were entitled, permitted, under construction, and finalized from June 30, 2022, to January 31, 2023. Work is in progress by staff and the consultant to clarify whether the units were reported to the California Department of Finance.
Document availability		Yes		
Rezone timing		FYI		
Resolution Received?		NA		
50% nonvacant resolution		FYI		
Electronic sites inventory		FYI		

Prior HCD Finding	Page #	Preliminary Review	HCD Notes	Staff Response
AB 2339	C57			
Overlay		No	HE Overlay Program AQ.	The rezonings and creation of the Housing Element Overlay Zone (HEOZ) has been recommended by Planning Commission and introduced by Town Council.
Modification Authority		NA		

Suggested Program Language (in Blue)

Program Q: Annually monitor number of ADU's/ JADUs produced, and affordability levels and make adjustments to accommodate a potential shortfall if determined necessary (i.e. adopt additional incentives or other strategies such as rezoning)

Timing: Timeframe: Annually monitor the production and affordability and if necessary, make potential adjustments within six months.

Program V: Reasonable Accommodation procedure. Review and revise the Reasonable Accommodation procedure to promote access to housing for persons with disabilities, address potential constraints including subjective approval findings such as "impact on surrounding uses."

Timing: Review and Revise RA by December 2024. Annually review and, if necessary, revise the reasonable accommodations procedures.