

HCD 10/26/22 Comments on Initial Draft Housing Element with Responses

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1	<p>A. Review and Revision <i>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).)</i> A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. As part of this analysis, the element should report progress in implementation, evaluate the effectiveness of programs and make adjustments in current programs as appropriate. While the element reports progress in implementation, it must evaluate the effectiveness of programs in achieving the goals and objectives of the housing element. For example, the element should specifically analyze the effectiveness of several programs that were essential to past compliance and part of the current programs without meaningful adjustment, including but not limited to Programs 4-1.5 (Lot Consolidation), 4-1.6 (Parking: especially for higher density non-affordable developments), 4-4.2 (Special Needs Zoning), 4-4.4 (Persons with Developmental Disabilities), 4-4.5 (Extremely Low- income Households) and 4-5.3 (Development Partnerships). Based on the outcomes of this evaluation, the element should add or modify programs as appropriate.</p> <p>In addition, as part of the review of programs in the past cycle, the element must provide an evaluate 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).</p>	<p>Added evaluation of the effectiveness of the past 5th Cycle programs in meeting the needs of special needs populations and a list of key accomplishments to <i>Appendix C, Past Performance</i>. Made additional adjustments to current 6th Cycle programs to more meaningfully further previous programs, as summarized below:</p> <ul style="list-style-type: none"> 5th Cycle Program 4-1.5 supplemented by new 6th Cycle Program 1.2-4: Lot Consolidation Program with additional incentives. 5th Cycle Program 4-1.6 supplemented by new 6th Cycle Program 1.2-1: New General Plan Designations and Zoning Districts for mixed-use development which specifies one covered or uncovered space for each dwelling unit, plus ½ additional space on the site for each dwelling unit. 5th Cycle Program 4-4.2, 4-4.4, 4-4.5 and 4-5.4 supplemented by new 6th Cycle Program 4.2-3: Affordable Housing Incentives and Waivers; Universal Design specifically targeting affordable housing for special needs groups.
2	<p>B. Housing Needs, Resources, and Constraints <i>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. 1(10)(A).)</i> <u>Enforcement and Outreach:</u> While the element describes some outreach and capacity to enforce fair housing laws, it should also include information on local enforcement, including the characteristics of complaints. In addition, the analysis must address compliance with existing fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgements, or complaints.</p>	<p>Updated <i>Appendix D, Fair Housing Assessment</i> under Local Housing Policies and Programs subsection:</p> <ul style="list-style-type: none"> New text describes Santa Clara County and City compliance with fair housing laws and which laws (Title II of ADA, SB 2, SB 520). Added information on Local Housing Policies and Programs enacted by Saratoga. Added information on legal actions, stating that the City Attorneys' office has not been engaged in any fair housing lawsuits, findings, settlements, judgements, or complaints in the last ten years.
3	<p><u>Integration and Segregation:</u> While the element includes recent data for most requirements, the information on income is from 2015 and should be updated. In addition, the element notes the significant differences in income relative to the region, but should analyze those differences, including consideration of local data and knowledge, other relevant factors (see below) and coincidence with other components of the assessment of fair housing (e.g., disparities in access to opportunity and disproportionate housing needs). This analysis is essential to the City's assessment of fair housing and appropriate programs should be added to promote housing mobility and new housing opportunities throughout the City. Lastly the element should describe any local concentrations of familial status within the City geographically as well as what contributes to the higher concentration of families within the City in comparison to the region.</p>	<p>Updated <i>Appendix D, Fair Housing Assessment</i>, under Income Segregation subsection with income information updated for 2020, figures with analysis comparing Saratoga with region at large, including:</p> <ul style="list-style-type: none"> Updated 2020 AMI for Saratoga with census tract analysis. Added table comparing 2010 vs 2020 AMI in Saratoga and 2020 AMI in region. Added Table: Population by Income Group, Saratoga and Santa Clara County. Added Figure 10: Low to Moderate Income Population by Block Group, Saratoga and surrounding region. Added text that describes concentration of low to moderate income blocks in Saratoga to West Valley student population. <p>Updated <i>Appendix D, Fair Housing Assessment</i>, under Segregation of Special Needs Populations subsection with information on geographic distribution of household types, including figures and text analysis.</p> <ul style="list-style-type: none"> Added Figure 18: Percent of Children in Female Households by Census Tract. Added Figure 19: Percent of Population 18+ Living Alone by Census Tract.
4	<p><u>Racial/Ethnic Areas of Concentration of Affluence (RCAA):</u> The element currently uses 2013 data to state there are no RCAAs within the City and describes where they are regionally. However, HCD's fair housing data viewer indicates that areas within the City and much of the immediately surrounding region is considered a RCAA. The analysis should include updated data regarding the City's RCAA designations and as noted above this should be analyzed relative to the broader region, County, and neighboring communities including the City's eastern neighbors. For more information, please visit: https://affh-data-resources-cahcd.hub.arcgis.com.</p>	<p>Updated <i>Appendix D, Fair Housing Assessment</i>, under Racial/Ethnic Demographics of Saratoga subsection with text analysis and figure of racial demographics by block group, and text analysis with figures on White and Asian population concentrations.</p> <p>Updated <i>Appendix D, Fair Housing Assessment</i>, under Racially and Ethnically Concentrated Areas of Poverty subsection: text and figure describing two RCAAs in Saratoga according to 2015-2019 data.</p>
5	<p><u>Disparities in Access to Opportunity:</u> The element provides information on the access to opportunity through the TCAC opportunity map but must also provide a complete local and regional analysis of patterns and trends for all components. A comprehensive analysis should include the local and regional disparities of the educational, environmental, and economic scores through local, federal, and/or state data. It should also analyze persons with disabilities as well as access to</p>	<p>Updated <i>Appendix D, Fair Housing Assessment</i>, under Segregation of Special Needs Populations subsection with text describing Saratoga initiatives for assistance and accommodation for disabled residents.</p>

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	transit. Please refer to page 35 of the Affirmatively Furthering Fair Housing (AFFH) guidebook (https://www.hcd.ca.gov/community-development/affh/index.shtml#guidance) for specific factors that should be considered when analyzing access to opportunities as it pertains to educational, employment, environmental, transportation, and any factors that are unique to Saratoga.	Updated <i>Appendix D, Fair Housing Assessment</i> , under Disparities in Access to Opportunity, Opportunity Scores subsection with TCAC Opportunity Maps (Environmental Score, Education Score, Economic Score), Jobs Proximity Index by Block Group/Census Tract, TCAC scores of Bay Area, with text analyzing each figure. Added Transportation subsection under Disparities in Access to Opportunity.
6	Disproportionate Housing Needs Including Displacement: While the element includes some data on disproportionate needs, additional information is needed. The element must describe any geographic concentration of cost burden, overcrowding, and persons experiencing homelessness both locally and regionally. Lastly, the element must describe and analyze areas sensitive to displacement risk due to disaster (e.g., earthquake, fire, and flood).	Updated <i>Appendix D, Fair Housing Assessment</i> , under Disproportionate Housing Needs, Including Displacement subsection with figures and text analysis on overcrowding by census tract and on displacement due to natural disasters.
7	AFFH and Identified Sites: While the element includes a summary of fair housing related to the sites inventory, it must analyze how the identified sites contribute to or mitigate fair housing issues. An analysis should address all of the income categories of identified sites with respect to location, the number of units by all income groups and how that affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). This analysis should specifically address isolation of the regional housing need allocation (RHNA) by income group and incorporate public comments as appropriate. If sites exacerbate conditions or isolates the RHNA by income group, the element should identify further program actions (not limited to the RHNA) that will be taken to promote equitable quality of life throughout the community (e.g., housing mobility and new opportunities in higher resource areas).	Updated <i>Appendix D, Fair Housing Assessment</i> , under Sites Inventory subsection with text analyzing housing sites and how they mitigate fair housing issues.
8	Local Data and Knowledge: The element notes some County documents (e.g., assessment of fair housing) and outreach with stakeholder, but it should incorporate the relevant content of those documents into the assessment of fair housing.	Updated <i>Appendix D, Fair Housing Assessment</i> , under Outreach subsection with text describing Saratoga's relationship with certain stakeholders (Project Sentinel, Law Foundation of Silicon Valley, and Silicon Valley Independent and Senior Adults Legal Assistance).
9	Other Relevant Factors: The element broadly mentions discriminatory practices in land use but should discuss the practices of the City, particularly related to zoning and other land use measures such as local initiatives and combine that discussion with other relevant factors such as demographics (e.g., tenure, housing types, incomes) and past investments or lack of investments, including applying for state and federal resources.	Added language to <i>Appendix D, Fair Housing Assessment</i> , under AFFH subsection discussing Measure G, the City's history of single family zoning, and their impacts on AFFH.
10	Contributing Factors: The element identifies many contributing factors to fair housing issues. In addition, the element must prioritize these factors to better formulate policies and programs and carry out meaningful actions to AFFH.	Updated Fair Housing Action Plan in <i>Appendix D, Fair Housing Assessment</i> , under AFFH subsection to prioritize contributing factors and inform meaningful programs.
11	Goals, Actions, Metrics, and Milestones: While the element includes general metrics for some programs, 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 higher opportunity areas (throughout the City), place-based strategies for community preservation and revitalization and displacement protection.	Updated actions in <i>Section 7, Policy Program</i> to include specific commitment, milestones, and metrics based on updated fair housing analysis.
12	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 (ELI): While the element briefly quantifies ELI households but should specifically analyze their housing needs, including tenure, overpayment, available resources and strategies, effectiveness of past program and the magnitude or disproportionate impacts on housing needs. Then, the element should add or modify programs as appropriate.	Added Program 4.2-3: Affordable Housing Incentives and Waivers; Universal Design to <i>Section 7, Policy Program</i> . This program specifies that by 2025, the City will solicit qualified affordable housing developers to develop the City-owned parcel (parking lot) in Village East with a minimum of 15% of units available to extremely low-income households or special needs individuals.
13	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).) Housing Cost: While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., local knowledge).	Added rental price data from Zillow, Craigslist, and Interio for November 2022 to <i>Section 2, Housing Needs</i> , under Home and Rental Prices subsection.

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14	<u>Overpayment</u> : The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).	Overpayment by tenure by income level is not a dataset that the census provides at the local level. However, overpayment by income level is discussed and shown with Figure 2-13, and a discussion and Table 2-14 showing overpayment by tenure has been added to <i>Section 2, Housing Needs</i> under subsection Overpayment.
15	<p data-bbox="276 516 1681 626"><i>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).)</i></p> <p data-bbox="276 631 1681 741"><u>Progress in Meeting the RHNA</u>: The City's RHNA may be reduced by the number of new units built, approved, or pending since June 30, 2022; however, the element must demonstrate their affordability based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions). The element should also discuss the status, any barriers to development and other relevant factors to demonstrate the availability or likelihood of development in the planning period.</p>	Added language to <i>Section 6, Adequate Sites</i> under Pipeline Projects subsection describing the deed restriction on nine very low affordable housing units in Quito Village.
16	<u>Small Sites</u> : 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 size and affordability were successfully developed during the prior planning period or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing (Gov. Code, § 65583.2, subd. I(2)(A)). The element lists small sites but must also evaluate whether those sites are suitable to accommodate housing for lower income households and add or modify programs as appropriate. For example, the element could list past consolidations by the number of parcels, number of owners, zone, number of units, affordability and circumstances leading to consolidation and then relate those trends to the identified sites or could explain the potential for consolidation on a site-by-site basis.	Text added to <i>Section 6, Adequate Sites</i> including: <ul style="list-style-type: none"> • Examples of small lot development within Saratoga added to Vacant Land subsection. • Description of Lot Consolidation Program (1.2-4) and examples of lot consolidation in nearby jurisdictions added to Non-Vacant (Underutilized) Land subsection.
17	<u>Suitability of Non-Vacant Sites</u> : The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. While the element includes adequate analysis for most sites, it should specifically evaluate the potential for redevelopment on the Village East and Fellowship Plaza Housing Sites. The analysis should address the extent that existing uses may impede additional residential development. For example, the element can summarize past experiences converting similar existing uses to higher density residential development, discuss the lack of market demand for the existing use, address existing leases or contracts that would perpetuate the existing use or prevent additional residential development and consider additional indicators such as age and conditions or the structure and existing versus allowable floor area. In addition, the element should describe the appropriateness of zoning and feasibility of developing additional housing on the Fellowship Plaza Housing site if the developer and owner acknowledged that they are having difficulty obtaining new funding and a Conditional Use Permit (CUP) to add additional housing on the site expired in 2013. The element should also describe how much of the Wardell housing site will be rezoned, and whether the rezoned portion will include the existing use (p. 6-34).	Additional analysis and justification added to <i>Section 6, Adequate Sites</i> including meeting documentation and emails from EAH confirming interest to develop Fellowship Plaza (new development will be by-right), photos of vacancies at Village East, and examples of nearby mixed-use development. Confirmed the entire Wardell housing site will be rezoned.
18	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, § 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 regional housing need allocation.	Substantial evidence added to <i>Section 6, Adequate Sites</i> for non-vacant sites including meeting documentation and emails demonstrating intention to develop properties within the planning period, photos of vacancies, and examples of nearby mixed-use developments.
19	Finally, the element identifies 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 has the same requirements as set forth in Government Code section 65915, subdivision I, paragraph (3).	Added Policy 1.1-3 Replacement Unit Program to <i>Section 7, Policy Program</i> requiring replacement housing units to be built when existing affordable units are demolished, per Government Code Section 65915 I(3). Added language describing Replacement Unit Policy to Section 6, Adequate Sites, under the Non-Vacant (Underutilized) Land subsection.
20	<u>SB 9 Sites</u> : The element identifies SB 9 as a strategy to accommodate the part of the City's need of above-moderate RHNA. To support these assumptions, the analysis must include experience, trends and market conditions that allow lot splits and missing middle uses. The analysis must list the potential SB 9 sites and demonstrate the likelihood of redevelopment,	Added discussion to <i>Section 6, Adequate Sites</i> under Senate Bill 9 subsection with more information on why 80 units is a reasonable target that includes an update on the applications that have been submitted through

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21	<u>City-Owned Sites</u> : The element must include additional discussion on each of the City-Owned sites identified to accommodate the RHNA. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development . 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 Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.	Clarified in <i>Section 6, Adequate Sites</i> under Village East Housing Site, there is only one City-owned site at Arbeleche Lane in Village East area (to be rezoned with the new Mixed-Use/High Density district). Additional analysis included to support the residential capacity assumptions.
22	<u>Accessory Dwelling Units (ADU)</u> : The element projects 480 ADUs over the planning period or approximately 60 ADUs per year over the eight-year planning period. The element also notes permitting 16 ADUs in 2018, 24 in 2019, 68 in 2020, and 69 in 2021. These trends are inconsistent with HCD records (nothing reported in 2018, 24 in 2019, 43 in 2020, and 66 in 2021) and do not support an assumption of 60 ADUs per year. To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year and reconcile trends with HCD records, including additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate.	Corrected ADU numbers to be given to HCD through updated Annual Progress Reports (APRs). Updated text and Figure 6-1 in <i>Section 6, Adequate Sites</i> in Accessory Dwelling Units section to reflect corrected ADU numbers.
23	<u>Availability of Infrastructure</u> : While the element generally discusses water and sewer infrastructure capacity, it should clearly state whether there is sufficient existing or planned capacity to accommodate the RHNA . 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.	In <i>Section 4, Constraints</i> , water and sewer capacity are discussed. The water capacity discussion references the 2022 Water Supply Assessment (WSA) prepared for the 6 th Cycle Housing Element which concludes San Jose Water has sufficient water to accommodate the RHNA. The WSA is attached as Appendix F for reference. Added additional information to the sewer capacity discussion demonstrating there is sufficient existing capacity to accommodate the RHNA.
24	<u>Environmental Constraints</u> : While the element generally describes a few environmental conditions, it must relate those conditions to identified sites and describe any other known environmental or other constraints that could impact housing development on identified sites in the planning period.	In <i>Section 4 Constraints</i> , the element describes Seismic Hazards, Landslides, Soil Creep and Expansive Soils, Flooding, Toxic and Hazardous waste, Fire Hazards, and Noise. Added more information demonstrating future housing development would not be impacted.
25	<u>Zoning for a Variety of Housing Types</u> : <ul style="list-style-type: none"> ▪ <u>Emergency Shelters</u>: The element indicates the CN (RHD) zone permits emergency shelters by right including adoption of design and development standards but should also clarify emergency shelters are permitted without discretionary action, describe capacity and potential for reuse, including proximity to transportation and services for these sites and any conditions inappropriate for human habitability. In addition, the element should list and analyze the actual design and development standards, including how parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement. ▪ 	Added language to <i>Section 4, Constraints</i> , under Zoning for Diverse Housing Types subsection, describing the City's objective standards for Emergency Shelters and stating that they comply with Government Code Section 65583 (a)(4)(A).
26	<ul style="list-style-type: none"> ▪ <u>Housing for Employees</u>: 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. 	Added Program 3.2-5: Employee Housing to <i>Section 7, Policy Program</i> , allowing Employee Housing for six or fewer employees as a single family use, and for up to 36 beds or 12 units as a permitted agricultural use.

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27	<ul style="list-style-type: none"> ▪ Manufactured Housing: Manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling would be subject to. The element must demonstrate consistency with this requirement or add or modify programs as appropriate. 	Added Program 3.2-6: Manufactured Housing to <i>Section 7, Policy Program</i> , to allow Manufactured Housing in any residential district where single-family detached units are permitted.
28	<ul style="list-style-type: none"> ▪ Accessory Dwelling Units (ADUs): The element indicates the City modified its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the City's ordinance, HCD discovered several areas which are 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 City's ADU ordinance in order to comply with state law. For more information, please consult HCD's ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development. 	Added Program 3.1-6 Consistency with State Law to <i>Section 7, Policy Program</i> , requiring ADU ordinance update within six months of receipt of HCD's ADU comment letter, and annually thereafter.
29	<p>5. <i>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).)</i></p> <p>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 should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to parking, heights, lot coverage, minimum lot size and limits on allowable densities. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints. For example:</p>	The City is currently preparing Objective Design Standards and will analyze if specific requirements related to parking, heights, lot coverage, minimum lot size and limits on allowable densities constrains development and address accordingly (see modifications to Program 3.3-1 in <i>Section 7, Policy Program</i>).
30	<ul style="list-style-type: none"> ▪ The element must identify and analyze <u>heights</u> and <u>maximum lot coverage</u> are allowed in the P-A, CN, C-N(RHD), C-V, CH-1, and CH-2 zones as well as the <u>maximum density allowed</u> and <u>open space requirements</u> in the C-N(RHD) zone. 	<p>Added maximum height and maximum lot coverage standards for P-A and all C zones to Table 4.3: Summary of Residential Zoning District Development Standards in <i>Section 4, Constraints</i>. (The C-N(RHD) zone is being eliminated and replaced with the new Mixed-Use Very High Density zoning district.)</p> <p>Added language under Table 4.3 describing why the listed regulations do not present a constraint to housing development, and additional measures which will further support development, such as Objective Design Standards (ODS). As part of the ODS effort, the City will analyze if specific requirements related to parking, heights, lot coverage, minimum lot size and limits on allowable densities constrains development and address accordingly (see modifications to Program 3.3-1).</p>
31	<ul style="list-style-type: none"> ▪ The element should also analyze the 40 percent maximum lot coverage (including all impervious surfaces), setbacks, and two-story height limits in multifamily zones as constraints on development and add programs as appropriate. 	The City is currently preparing Objective Design Standards and will analyze if specific requirements related to parking, heights, lot coverage, minimum lot size and limits on allowable densities constrains development and address accordingly (see modifications to Program 3.3-1 in <i>Section 7, Policy Program</i>).
32	<ul style="list-style-type: none"> ▪ The element should identify and analyze the specific findings in the P-A zone when more than 50 percent of the total floor area is residential (the identified note is missing on page 4-5) and whether the CUP requirements are constraints for multifamily development in that zone. 	The City has not denied any project in the P-A zone with over 50 percent residential floor area. Updated <i>Section 4, Constraints</i> with a new subsection on the P-A zone including specific findings when more than 50 percent of the total floor area is residential. It also includes a description of two residential projects developed in the P-A zone (the Saratoga Court Senior Apartments and a Residential Care Facility for the Elderly at Saratoga Creek Drive).
33	<ul style="list-style-type: none"> ▪ The element must identify the allowed densities in the R-M 5,000, R-M 4,000, and R-M 3,000 zones. 	Densities for RM 3,000, 4,000, and 5,000 added to Table 4-4 in <i>Section 4, Constraints</i> .
34	<ul style="list-style-type: none"> ▪ Page 4-10 lists densities for multifamily based on population density per acre as well as dwelling units per acre. The element must analyze how the population density requirement is determined for a project, how it interacts with the dwelling unit per acre standard, and whether it acts as a development cap for proposed projects. 	Removed language referencing population density from text preceding Table 4-4 in <i>Section 4, Constraints</i> . Similarly, any reference to people/acre requirements has been removed from the Land Use Element of the General Plan.

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35	<ul style="list-style-type: none"> The element should discuss minimum lot sizes and any impacts on identified sites to accommodate the RHNA. 	The City is currently preparing Objective Design Standards and will analyze if specific requirements related to parking, heights, lot coverage, minimum lot size and limits on allowable densities constrains development and address accordingly (see modifications to Program 3.3-1 in <i>Section 7, Policy Program</i>).
36	<ul style="list-style-type: none"> The element must analyze the parking requirements (p. 4-13) of one garage space and 1.5 additional spaces per dwelling unit or one garage space and an additional 0.5 space for a one-bedroom unit. This is particularly important since parking requirements were identified as a constraint in the prior housing element and the program appears to only have been partially implemented. Should the analysis determine the parking standards or permit procedures are a constraint on residential development, it must include a program to address or remove any identified constraints. 	The new mixed-use districts proposed as Program 1.2-1 includes reduced parking requirements for multi-family dwellings to one covered or uncovered space for each dwelling unit, plus ½ additional space on the site for each dwelling unit (new updated language in <i>Section 7, Policy Program</i>).
37	<u>Fees and Exaction</u> : While the element includes the cumulative impact of fees on single family and multifamily development on a per unit basis, it should clarify whether the analysis includes all impact fees, including non-locally controlled fees or modify the analysis as appropriate.	Language added to <i>Section 4, Constraints</i> under Development Fees subsection stating that fees listed in Table 4-9 include all development and impact fees that might be levied, including non-locally controlled fees such as school and sanitation fees.
38	<u>Local Processing and Permit Procedures</u> : The element must describe the processing and permit procedures for a typical single-family and multifamily development. The analysis should address the approval body, the number of public hearings if any, approval findings, design review and any other relevant information. The analysis should address impacts on housing cost, supply, timing, feasibility, and approval certainty.	Language added to <i>Section 4, Constraints</i> under Local Processing and Permit Procedures subsection describing processing and approval procedures for single-family and multifamily development.
39	<u>Measure G</u> : While the element describes Measure G (p. 4-24) which only allows the City to amend residential and parkland designations by the vote of the people, it does include some exemptions for certain state laws. The element must clarify whether the rezone needed to accommodate the City's RHNA is an exemption. If the rezone is not exempt, the element must add a program to make the zoning available pursuant to statutory requirements, including timing provisions. In addition, the element should analyze the impacts of the voter approval on housing supply, cost, timing and feasibility and add or modify programs as appropriate to address identified constraints.	Clarified in <i>Section 4, Constraints</i> that the 6 th Cycle Housing Element (including the rezoning necessary to accommodate the City's RHNA) is exempt from Measure G.
40	<u>Codes and Enforcement</u> : The element must describe and analyze any local amendments to the building code and their degree and type of enforcement for impacts on housing supply and affordability.	Added recent local amendments to <i>Section 4, Constraints</i> , including Building Reach Codes adopted November 16, 2022.
41	<u>Constraints on Housing for Persons with Disabilities</u> : 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. The analysis must describe the findings and approval procedure for the City's Reasonable Accommodation procedure. In addition, the element must describe and analyze how group homes for six or fewer and seven or more are allowed within the City 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 lower-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or 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.	Added language to <i>Section 4, Constraints</i> describing the City's reasonable accommodation process and findings. Added Program 3.2-7 to <i>Section 7, Policy Program</i> , to allow group homes by right in the Residential zones.
42	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).)	Modified Programs 1-2.3, 3-1.1, 3-1.2, and 3-1.5 in <i>Section 7, Policy Program</i> , with discrete timing, numerical objectives, and proactive outreach.

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	<p>To have a beneficial impact and achieve the goals and objectives of the housing element, program should have specific commitment, discrete timing (e.g., at least annually) and numerical objectives where appropriate. Examples of programs to be revised include:</p> <ul style="list-style-type: none"> Programs 1-2.3 (Encourage and Facilitate Lot Consolidation), 3-1.1 (Pre- Approved Plan Sets for ADUs), and 3-1.2 (Reduced Fees for ADUs and JADUs): The programs must include proactive outreach during the planning period. 	
43	<ul style="list-style-type: none"> Program 2-2.1 (Community Education Regarding the Availability of Rehabilitation Programs): The program should include specific timing related to outreach during the planning period. In addition, the element should modify the identified quantified objectives to match the metric associated with this program. 	Modified the quantified objective and updated the time frame and funding source in <i>Section 7, Policy Program</i> .
44	<ul style="list-style-type: none"> Program 2-2.2 (Code Compliance Program): The program should include specific timing tied to enforcement as well as program implementation. 	Modified to include specific timing tied to enforcement and implementation in <i>Section 7, Policy Program</i> .
45	<ul style="list-style-type: none"> Program 3-1.4 (Educational Campaign and Information): The program should include specific timing related to outreach during the planning period. 	Modified to include specific timing tied to outreach in <i>Section 7, Policy Program</i> .
46	<ul style="list-style-type: none"> Program 5-2.2 (Develop Comprehensive Outreach Strategy for Housing): This program should include specific timing of when the strategy will be updated. In addition, the program should include proactive outreach throughout the planning period. 	Modified to include specific timing of when strategy will be updated and incorporated proactive outreach in <i>Section 7, Policy Program</i> .
47	<p><i>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).)</i></p> <p>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 City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:</p>	See responses to Comment #48 through 51 below.
48	<p>Program 1-1.1 (Adequate Sites for Housing or RHNA Rezoning): The program must commit to allowable densities, appropriate development standards to facilitate maximum densities. The program must also commit to all of the by-right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i), including but not limited to permitting development with 20 percent or more of the units are affordable to lower income households without discretionary action, requiring minimum densities, accommodating at least 16 units per site and residential performance standards.</p>	See response to Comment #51, below.
49	<p><u>Program 1-2.4 (Lot Consolidation Program)</u>: The program must include a commitment to establish incentives by a specified date, beyond "consider appropriate" incentives, especially with the strong reliance on lot consolidation to accommodate the lower- income RHNA. In addition, the program should be modified based on the outcomes of the review and revise of the previous program and include a mid-term evaluation of the effectiveness of the program and commit to adjustment as necessary. This is particularly important given the apparent lack of implementation or outcomes in the prior planning period.</p>	Added additional incentives including increased floor area, building height, and reduced setbacks to Program 1.2-4 (in addition to parking reduction and signage bonus previously included) (see <i>Section 7, Policy Program</i>).
50	<p><u>Program 3-2.4 (Low Barrier Navigation Center)</u>: The program should clarify zoning will be updated to permit these uses in multifamily zones as well as mixed use zones pursuant to Government Code section 65660.</p>	Modified Program 3.2-4 to clarify that the zoning ordinance will be updated to allow Low Barrier Navigation Centers by right in multi-family zones, as well as mixed use zones to <i>Section 7, Policy Program</i> .
51	<p><u>Sites Identified in Prior Planning Periods</u>: The element identifies sites from the prior planning period and as a result must include a program to make the site available or remove the site. The program must be implemented within the first year or</p>	Modified Program 1.1-1 to clarify reuse sites (including Fellowship Plaza, Gateway South, and Prospect housing sites) will be rezoned within the first year of the planning period to meet density requirements for housing for

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	three years of the planning period and commit to zoning that will meet the density requirements for housing for lower-income households and allow by-right approval for housing developments that include 20 percent or more of its units affordable to lower-income households.	lower-income households and allow by-right approval for housing developments that include 20 percent or more of its units affordable to lower-income households (see <i>Section 7, Policy Program</i>).
52	<p><i>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).)</i></p> <p><u>Program 4-3.1 (Development of Housing for ELI)</u>: This program should describe what additional incentives are provided for developments with ELI units. In addition, the element should include specific time of when the incentives will be implemented and steps beyond meeting with developers such as annually identifying development opportunities.</p>	<p>Added Program 4.2-3: Affordable Housing Incentives and Waivers; Universal Design to <i>Section 7, Policy Program</i>. This program specifies that by 2025, the City will solicit qualified affordable housing developers to develop the City-owned parcel (parking lot) in Village East with a minimum of 15% of units available to extremely low-income households or special needs individuals.</p>
53	<p><u>Special Needs</u>: While the element includes programs to assist in the development of very low-, low-, and moderate-income and some special needs households, it must also include a program(s) to assist in the development of housing for all special needs households (e.g., elderly, homeless, farmworkers, persons with disabilities, female-headed households). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.</p>	<p>Added Program 4.2-3: Affordable Housing Incentives and Waivers; Universal Design to <i>Section 7, Policy Program</i> to initiate a Universal Design Standard study by June 2026 and bring the standards before the City Council for adoption by December 2026.</p>
54	<p><i>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).)</i></p> <p>As noted in Finding B5, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:</p>	<p>See responses Comment #55 through 57 below.</p>
55	<p><u>Program 3-2.1 (Increase C-H Height Limit)</u>: The program should clarify whether the 35-foot height limit in the C-H zones will allow 3 story developments by-right.</p>	<p>Added language to Program 3.2-1 to clarify height limit in CH-1 and CH-2 allow for three-story development.</p>
56	<p><u>Program 3-2.2 (Reduced Setbacks for Smaller Parcels)</u>: The element should describe what the setbacks for small parcels will be reduced to, and what size parcels would qualify for the reduction.</p>	<p>Corrected language in Program 3.2-2 to be Reduced Setbacks for Small <u>Non-Conforming</u> Parcels in <i>Section 7, Policy Program</i>.</p> <p>Added language and table to <i>Section 4, Constraints</i> describing new proposed setbacks.</p>
57	<p><u>Program 4-1.1 (Continue to Implement Density Bonus Ordinance)</u>: The program should be revised to commit to steps beyond an annual assessment and revise the ordinance by a specified date.</p>	<p>Updated Program 4.1-1 in <i>Section 7, Policy Program</i> to include annual updates to Municipal Code within six months of annual reviews.</p>
58	<p><i>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).)</i></p> <p>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.</p>	<p>Goals, Policies, and Programs have been revised based on updated AFFH analysis.</p>
59	<p>D. Public Participation</p> <p><i>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).)</i></p> <p>While the element includes a summary of the public participation process, the element should 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. The element could also describe which organizations participated and provided feedback out of the organizations that were contacted and describe how the City notified organizations of small group meetings. The element should also describe</p>	<p>Added more information on small group meetings and translation services offered during the Housing Element Update community outreach process as well as public comment summaries from the series of Planning Commission and City Council meetings in <i>Appendix A, Community Outreach</i>.</p>

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	whether translations services were available throughout the process. In addition, while the element describes how public comments were received and incorporated during the 30-day review period, it should summarize and describe how public comments were considered and incorporated throughout the entire review process.	
