

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

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



September 29, 2022

Greg Wolff, Director  
Planning and Building Department  
City of Lafayette  
3675 Mt Diablo Blvd #210  
Lafayette, CA 94549

Dear Greg Wolff:

**RE: City of Lafayette's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Lafayette's (City) draft housing element update received for review on July 1, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on September 13 and 22, 2022 with yourself; Renata Robles, Senior Planner; and Diane Elrod, Planning Consultant. In addition, HCD considered comments from East Bay for Everyone, Inclusive Lafayette, YIMBY Law and Greenbelt Alliance pursuant to Government Code section 65585, subdivision (c).

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

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be

completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

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

We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Connor Finney, of our staff, at [Connor.Finney@hcd.ca.gov](mailto:Connor.Finney@hcd.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF LAFAYETTE

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

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

### **A. Review and Revise**

*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).)*

As part of the evaluation of programs in the past cycle, the element must analyze 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). Programs should be revised as appropriate to reflect the results of this evaluation.

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

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

Fair Housing Enforcement and Capacity: The housing element must include a summary of fair housing enforcement and outreach capacity. The analysis must address how the City complies with state and federal fair housing laws, including regulations, lawsuits, and related enforcement actions.

Local to Regional Patterns of Income and Racially Concentrated Areas of Affluence (RCAA): While the element reports on County patterns of income and RCAA, it should also compare the City as a whole to the County and broader region and evaluate differences. This evaluation should also consider local data and knowledge and other relevant factors such as historical land use and other practices. Based on a complete analysis, the element should formulate appropriate policies and programs (not limited to the regional housing need allocation (RHNA)) to target significant and meaningful affirmatively furthering fair housing (AFFH) outcomes. This evaluation could utilize HCD's RCAA's data available at <https://www.hcd.ca.gov/affirmatively-furthering-fair-housing>.

AFFH and Sites Inventory: An analysis of identified sites to accommodate the RHNA and AFFH should address all income categories of identified sites with respect to location (e.g., planning area, neighborhood, census tract) and the number units by all income groups and evaluate how that impacts the existing patterns. The evaluation should address all components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity) and any isolation or exacerbation of existing segregated patterns. If sites are isolated or exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., new choices and affordability throughout the community and housing mobility).

Local Data and Knowledge: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers, City staff and related local and county planning documents.

Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues in the City. For instance, the element can analyze historical land use, zoning and barriers to housing choices, investment practices, seeking investment or lack of seeking investment to promote affordability and inclusion, information about redlining/greenlining, restrictive covenants and other discriminatory practices, land use related lawsuits, local initiatives, demographic trends or other information that complements the state and federal data.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess contributing factors and particularly prioritize those factors then formulate appropriate policies and programs.

Goals and Actions: The element must be revised to add or modify goals and actions based on the outcomes of analysis described above. Goals and actions must specifically respond to the analysis and 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, discrete timing or milestones, geographic targeting and metrics or numerical targets. As appropriate, actions must address housing mobility, new housing choices and affordability in higher resource or higher income areas, place-based strategies for community preservation and revitalization and displacement protection.

- 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).)*

*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).)*

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

Extremely Low-Income (ELI) Households: The element does include some data on the number of existing and projected (ELI) households, but it must also include analysis of their housing needs. The analysis should evaluate tenure, overpayment, resources, and strategies available and the gap and magnitude of housing needs to better formulate policies and programs.

Special Needs Populations: While the element quantifies the City's special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing strategies, and resources to meet those needs, an assessment of any gaps in resources and magnitude of needs, and proposed policies, programs, and funding to help address those needs.

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

Progress in Meeting the RHNA: The City's RHNA may be reduced by pending, approved, or completed projects; 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 their availability in the planning period (including status and anticipated build out).

Parcel Listing: The element lists parcels by various factors such as size, zoning, general plan designation and existing use. However, the description of existing use is generic and must include sufficient detail to facilitate an analysis of the potential for additional development on nonvacant(underutilized) sites. For example, the element may list sites by indicators of redevelopment potential such as age of structure, vacancies, improvement to land value ratio, existing versus allowable floor area and expressed interest in residential development in the planning period. For more information, see the HCD's Housing Element Sites Inventory Guidebook at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

Realistic Capacity: The element lists some recent developments by built and allowable densities and utilizes an assumption of 90 to 95 percent of maximum allowable density. However, given the assumption near maximum allowable densities, the element should list all recent projects by zone, year built and evaluate similarities to identified sites then rescale assumptions as appropriate.

In addition, this calculation should also account for the likelihood of 100 percent nonresidential development. The element lists recent trends for residential development in nonresidential zones by considering the development activity of 100 percent nonresidential uses. For example, the element could analyze all development activity in nonresidential zones allowing 100 percent nonresidential uses, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly. This analysis may incorporate any proposed policies such as residential performance standards, prohibition of commercial uses and should clarify that all zones allow residential uses, particularly 100 percent residential uses.

Small Sites: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. While the element included a few examples about developments with lot consolidation (p. B-32), it should also list these recent consolidations by common ownership, affordability and other circumstances leading to consolidation. The element should relate these examples to the sites identified to accommodate the RHNA for lower-income households to demonstrate that these sites can adequately accommodate the City's lower-income housing need. Based on a complete analysis, the City should modify programs to include additional incentives for facilitating development on small sites.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for additional development on nonvacant sites. While the element lists a few examples of redevelopment and states recent redevelopment is similar to identified sites, it should include analysis to support this conclusion. For example, the element could better describe the prior uses on redeveloped sites such as the age of the structure, improvement to land value ratio, existing versus allowable floor area and other circumstances leading to redevelopment and then discuss how those circumstances relate to identified sites. In addition, the element should analyze the extent that existing uses may impede additional residential development such as market demand for the existing use and existing leases, contracts or other conditions that would perpetuate the existing use or prevent additional residential development.

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

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 should have at least the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).

Publicly-Owned Sites: The element must include additional discussion on each of the publicly-owned sites identified to accommodate the RHNA, including the BART site.

Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses, any known conditions that preclude or could promote development in the planning period, status, and potential schedule for development. Based on this analysis, the element should add or modify programs. Programs should include a schedule of actions to facilitate development in the planning period in stride with assumptions in the inventory such as numerical objectives, compliance with the Surplus Land Act, outreach with developers or property owners, removing barriers to development, issuing requests for proposals, incentives, fee waivers, priority processing and financial assistance.

AB 725: For jurisdictions that are considered Metropolitan, the element must identify at least 25 percent of the remaining moderate and above-moderate RHNA on sites that allow at least four units of housing (e.g., four plex or greater) (Gov. Code, § 65583.2, subd. (c)(4)).

Infrastructure: While the element includes a general discussion on water and sewer capacity, it must demonstrate sufficient existing or planned water and sewer capacity to accommodate the City's regional housing need for the planning period. In addition, the element generally mentions infrastructure constraints for infill development. The element must describe and analyze the constraints as well as their impacts on the identified sites to meet the RHNA and add or modify programs as appropriate.

Environmental Constraints: While the element generally describes a few environmental conditions within the City (p. B-44), 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.

Accessory Dwelling Units (ADU): Based on HCD records, the City averages 11 permitted ADUs per year since 2018. The City is assuming 30 ADUs per year citing a recent uptick of 21 ADUs in 2021 and applications received in 2022. However, the element illustrates (Figure 1) a significant difference between applications and permitted units and assumptions for the planning period are well above the recent uptick in permitted ADUs. The element should either include additional analysis such as the number of permitted ADUs in 2022 or rescale assumptions closer to recent trends (e.g., 20 to 25 ADUs per year).

Electronic Sites Inventory: Pursuant to Government Code section 65583.3, subdivision (b), upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov). HCD has not received a copy of the electronic inventory. Please note, the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

## Zoning for a Variety of Housing Types:

- *Emergency Shelters*: The element mentions emergency shelters are permitted in the C-1 zone. However, the element should also clarify shelters are permitted without discretionary action and discuss available acreage, including typical parcel sizes and the presence of reuse opportunities, proximity to transportation and services and any conditions inappropriate for human habitability. The analysis should also list and evaluate development standards, including parking requirements for compliance with Government Code section 65583, subdivision (a)(4)(A) and add or modify programs if necessary.
  - *Permanent Supportive Housing*: Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs if necessary.
4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis 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 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.

State Density Bonus Law: While the element mentions the recent use of State Density Bonus Law (p. B-14), it should include a complete discussion regarding compliance with Government Code section 65915 and modify program 8.3.a (Density Bonus Regulations) as appropriate.

Inclusionary Requirements: The element mentions some research on inclusionary requirements and concludes the requirement is not a constraint, but it must also describe and analyze the City's inclusionary housing requirements, including its impacts as potential constraints on the development of housing for all income levels. The analysis must evaluate the inclusionary policy's implementation framework, including levels of mandated affordability and the types of options and incentives offered to encourage and facilitate compliance with the inclusionary requirements. The City could engage the development community to facilitate this analysis.



Building Codes: The element should identify and evaluate any local amendments to the building code for impacts on housing costs.

Fees and Exaction: The element provides a cumulative analysis of fees on various housing types but should also list the various planning and impact fees to better evaluate the impacts on housing development costs.

Local Processing and Permit Procedures: While the element mentions uses are by-right, it should also describe the procedures for a typical single family and multifamily development complying with zoning. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The analysis should evaluate approval findings for impacts on approval certainty, as well as any triggers for discretionary review. For example, the element indicates the zoning administrator may forward an application to the Design Review Commission or Planning Commission “if they feel that level of review is warranted on a case-by-case basis.” An official case by case feelings could impact approval certainty and those types of provisions should be closely evaluated and programs should be added or modified to promote objectivity and approval certainty.

Streamlining Provisions: The element should clarify whether the City has procedures consistent with streamlining procedures pursuant to Government Code section 65913.4 (SB 35) and include programs as appropriate.

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

Constraints on Housing for Persons with Disabilities: The element should analyze potential constraints on housing for persons with disabilities, as follows:

- *Reasonable Accommodation*: The element should include a description of the process and decision-making criteria such as approval findings and analysis of any potential constraints on housing for persons with disabilities and modify programs as appropriate.
- *Family Definition*: The element states zoning has standards that apply to unrelated adults (p. B-31) but should clearly identify any definition of family utilized in zoning and land use and evaluate impacts on housing for persons with disabilities such as limits on unrelated persons or the number of persons.
- *Group Homes for Seven or More Persons*: The element mentions the City’s zoning code does not facilitate housing for persons with disabilities (p. B-31) but should specifically describe how and where group homes for seven or more persons are allowed including procedures and zones. Any limits or exclusion from residential zones or complex, costly, and uncertain procedures such as conditional use permits should be closely evaluated as constraints and programs should be added or modified.

## C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element. (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines (e.g., at least annually or month and year) or timeframes earlier in the planning period, including **6.1b** (Funding to Support Affordable Housing), **6.2b** (Retention of Affordable Rental Units), **6.3.b** (ADU Regulations), **7.1.b** (Developmentally Disabled) and **7.2.a** (Resources for Housing for Special Populations)

Additionally, all programs should be evaluated to ensure meaningful and specific actions, objectives, and commitments. Programs containing unclear language (e.g., “consider”; “review”, “conduct a study to assess” “create a plan”, “evaluate impacts” etc.) should be amended to include specific and measurable actions that will lead to actual housing outcomes. Examples include **1.1.a** (Capital Improvement Program), **1.2.b** (Nexus Studies), **2.1.b** (Downtown Specific Plan), **4.1.c** (Equal Housing Opportunity) **AFFH 1.1**, **AFFH 2.1**, **AFFH 3.1**, **6.1.b** (Funding to Support Affordable Housing), **6.1.d** (Parking Standards for Different Housing Types), **6.2.b** (Retention of Affordable Rental Units), **7.1.b** (Developmentally Disabled), **7.1.c** (Larger Units), **7.2.a** (Resources for Housing for Special Populations), **8.1.a** (Downtown Densities), **8.1.b** (Lot Consolidation), **8.2.a** (Review of Development Standards), **8.3.a** (Density Bonus Regulations) and **9.1.a** (Objective Design Standards)

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

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

- *Program 10.3.a (Zoning to Accommodate the RHNA):* Any program necessary to make zoning available to accommodate the RHNA must include a program that commits to minimum acreages, allowable densities, appropriate development standards and the planned residential capacity. In addition, programs to address a shortfall of adequate sites to accommodate the lower-income RHNA must specifically commit to meet all requirements pursuant to Government Code section 65582.2, subdivisions (h) and (i).
- *Sites Identified in Prior Planning Periods:* The element must include a program for site identified in prior planning period(s) that are currently identified to accommodate housing for lower-income households. The program must be implemented within the first year or 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. (Gov. Code, § 65583.2, subd. (c).)

3. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

The element includes AFFH Action 1.1 (Support Development) and 6.1.b (Funding to Support Affordable Housing), however, these actions are limited to roundtable discussions and coming up with plan to utilize funding. However, the element must include specific commitment and timing to assist in development of housing for lower-income households, including extremely low-income and all special needs households. For example, the element could include at least annual and proactive outreach with affordable housing developers to identify development opportunities, priority processing, granting fee waivers or deferrals, modifying development standards, and granting concessions and incentives beyond state density bonus law and supporting and pursuing funding applications at least annually.

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

As noted in Finding B4, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

5. *Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action. (Gov. Code, § 65583, subd. (c)(3).)*

While the element includes actions related to code enforcement, it should consider additional actions to conserve and improve the condition of the existing affordable housing stock. For more information and sample programs, please see HCD's Building Blocks at <https://www.hcd.ca.gov/improve-and-conserve-the-existing-housing-stock>.

6. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis.

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

Program 6.3.b (ADU Regulations) should commit to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., six months) if assumptions are not realized. In addition, based on a cursory review, the City's ADU ordinance does not comply with ADU law. As a result, Program 6.3.b should be amended with a specified date for revising the ordinance. HCD will send additional guidance under separate cover.

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

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

The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives for construction, it must also include estimates for rehabilitation and not limit conserved units to at-risk properties.

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

*Local governments shall make a diligent effort to achieve public participation oof all segments of the community in the development of the Housing Element and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)*

While the element includes a summary of public participation including outreach to the community, it must also summarize how outreach was incorporated into the housing element. In addition, HCD encourages the City to consider and incorporate, as appropriate, the input from the commenters on this housing element review.

**F. General Plan Consistency**

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

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