

**TOWN OF CORTE MADERA
RESPONSE
TO HCD COMMENTS OF NOVEMBER 21, 2022**

Note: All page numbers in the responses refer to the redlined draft Housing Element.

Comment #1

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 review 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.

In addition, some programs must still report on progress in implementation and then evaluate the effectiveness of the program. For example, Program H-1.2.b should discuss how many discrimination complaints were referred then evaluate whether the program was effective. Similarly, Program H-1.4.a.a should state if the Town established standards and procedures for mobile homes then evaluate the effectiveness of those efforts.

Response #1

The following revisions have been made to the draft element:

Appendix B, page B-2, Program H-1.2.b: The following underlined text was added to the information provided in the Evaluation column:

The Town received one complaint regarding an 83-year old woman who wished to rent an affordable unit at Tam Ridge. Her application was denied according to program rules established by the Town of Corte Madera and Tam Ridge because she owned a home. The applicant appealed the decision, which was denied. Town Staff worked with the applicant to assure her that a fair and equal application process was being followed. Due to the nature of the complaint, it was not referred to the regional fair housing agency. The Town received no other fair housing or discrimination complaints.

Appendix B, page B-3, Program H-1.4.a.a: the following underlined text was added to the information provided in the Evaluation column:

Section 18.04.495 of the Zoning Ordinance defines "Manufactured housing" as a factory-built single-family structure, built in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401), is transportable in one or more sections but is built on a permanent foundation and does not have wheels or axles permanently attached to its body or frame. Manufactured housing includes manufactured homes and mobile homes but not trailers.

The Town applies the same development standards and design review process to manufactured housing and mobile homes as it uses for stick-built housing of the same type. Recently, the Town approved three manufactured homes as accessory dwelling units. Nonetheless, the Zoning Code does not explicitly list manufactured housing as a permitted use. The Town should revise the Zoning Code to identify zoning districts where manufactured housing and mobile homes are a permitted use and develop development standards as necessary.

Appendix B, page B-3, Program H-1.4.a.a: the following changes were made to the Recommendation column:

~~Delete.~~ Modify the program to include an action to identify districts where manufactured and mobile homes are a permitted use and to identify development standards.

Housing Element, page 154, Program H-1.4.a: the following underlined text was added to the program:

- c. Identify districts where manufactured housing and mobile homes are a permitted use and provide development standards.

Appendix B, page B-5, Program H-1.6.a: the following underlined text was added to the Evaluation column:

Successful. Adaptive units were included in the Robin Drive and Enclave projects, providing housing for the disabled and the elderly, two special needs populations.

Appendix B, page B-5, Program H-1.8.a: the following underlined text was added to the Evaluation column:

Successful. The Enclave project included an on-site tot lot, providing housing amenities for large households and female-headed households, two special needs populations.

Appendix B, page B-6, Program H-1.9.a: the following underlined text was added to the Evaluation column:

Successful. The Town works with Marin Housing Authority to address homeless issues. In November 2020, the County of Marin purchased a motel at 1591 Casa Buena Drive with grant funding through Project Homekey and other County housing program funds for the purpose of providing 18 units of permanent supportive housing for individuals experiencing homelessness. The role of Town staff has been to facilitate public discussions related to Project Homekey. In February 2021, under the supervision of Catholic Charities, residents began occupying the lower units of the property. A building permit to add a kitchen to each unit to create 18 independent living units was issued in 2021 and construction is currently underway. These units will provide housing for people formerly experiencing homelessness, a special needs population.

Appendix B, page B-7, Program H-2.1.a: the following underlined text was added to the Evaluation column:

Ongoing; as development occurs. The Robin Drive and Enclave projects include a mix of larger

and smaller units at different affordability levels. These include 32 units with 3 or more bedrooms, 8 second units, and a number of adaptable units as required by the State Building Code, providing housing for the elderly, the disabled, large households, and female-headed households, all special needs populations.

Appendix B, page B-10, Program H-2.6.b: the following underlined text was added to the Evaluation column:

Completed. The Oak Shores project received planning entitlements for an application that includes second units consistent with policy. The Town Council approved Ordinance 985, Resolutions 13-2019, 14-2019, 15-2019 on 4/2/2019. Building permits were issued in July 2021 and construction is currently underway. These 8 second units could provide housing for the elderly, a special needs population.

Appendix B, page B-10, Program H-2.6.c: the following underlined text was added to the Evaluation column:

Completed. The Enclave Townhomes were approved in 2015, and completed in 2019, consisting of 16 units; 3 units of which will be affordable under the Town's inclusionary zoning regulations. Construction was completed and Certificates of Occupancy issued on 9/10/2019. All of the units were 3 or more bedrooms and a number of them were adaptable units, providing housing for the following special needs populations: large households, female-headed households, elderly, and the disabled.

Appendix B, page B-13, Program H-2.15.a: the following underlined text was added to the last paragraph in the Evaluation column:

The Town exceeded the ADU goal and developed 54 ADUs during the planning period. These units may provide housing for the elderly, a special needs population.

Comment #2

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).)

Local to Regional Patterns: The element must include specific analysis of local to regional patterns that compares the Town to the broader Bay Area region. This analysis must particularly address income, disparities in access to opportunities (composite) and racially concentrated areas of affluence (RCAA) and 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 re-consider and re-prioritize contributing factors to fair housing issues and 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 should utilize HCD's RCAA's data available at <https://www.hcd.ca.gov/affirmatively-furthering-fair-housing>.

Response #2

Racially Concentrated Areas of Affluence (RCAA) and median incomes are discussed on pages C-56 through C-60. Access to Opportunities is discussed on pages C-61 through C-67. The analysis includes maps and a discussion of regional and local conditions and trends. The following paragraph was added to page C-66:

As discussed previously, exclusionary lending and zoning practices, including redlining and restrictive covenants, were once common across the U.S. These practices have resulted in segregated living patterns and racially disparate housing outcomes. Although the Town is not aware of the existence of historical redlining maps for Corte Madera, there are several subdivisions in Corte Madera where restrictive covenants are known to have been used, including Corte Madera Woods on Christmas Tree Hill, Madera Gardens, and subdivisions within the Chapman Park neighborhood. This history of exclusionary lending practices, coupled with historical zoning practices that prioritized single family homes over multifamily development, have contributed to a higher concentration affluence in Corte Madera than in many other communities in the Bay Area.

Comment #3

Disproportionate Housing Needs: The element includes some general information on persons experiencing homelessness but should also evaluate patterns of need, including access to transportation and services.

Response #3

The following information was added to the discussion of Homelessness on page 64:

The most recent 2022 Point-in Time Count 830 unsheltered people experiencing homelessness in County, of which 3 people were living in Corte Madera at the time of the count. The 2022 count also identified the following characteristics and needs for the homeless population in Marin County:

- The average life expectancy of individuals experiencing homelessness is 25 years less than those in stable housing. These individual also require longer hospitalizations, estimated at 36% more than stably housed people. Access to regular healthcare is needed.
- Approximately 63% of individuals experiencing homelessness receive assistance through federal, state and local programs such as social security, food stamps, and VA benefits. However, many individuals and families do not apply for services, believing they are ineligible. Connecting homeless individuals and families to these support services is needed.
- In addition to government assistance, there are numerous community-based services and programs available in Marin. These services include day shelters, meal programs, job training, and healthcare. The top 5 services or assistance received are: free meals, 44%; day services 24%; health services, 23%; bus passes, 21%; and emergency shelters, 15%. Connecting homeless individuals to these services is needed.

Comment #4

Contributing Factors to Fair Housing Issues: While the element lists contributing factors such as fair housing complaints, housing conditions and community opposition, these factors do not appear to have a reasonable relationship to the assessment of fair housing. For example, the element identifies substandard housing conditions as a contributing factor but also notes less than five percent of the housing stock or less than ten structures need rehabilitation (p. C-110). The element should re-evaluate and re-prioritize contributing factors and should incorporate the outcomes of a complete analysis. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices.

The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.

Response to Comment #4

The following contributing factor was added to the Housing Element on pages 175-176:

LACK OF AFFORDABLE HOUSING

Like many Bay Area towns and cities, Corte Madera's current lack of housing affordability can be traced, in part, to historical land use patterns. Most of the residential area in Corte Madera was zoned for single family homes when the Town was incorporated in 1916, and this land use pattern continued as it grew. According to the Town's 2009 General Plan, 83% of land designated for residential use (single family, multifamily, and mixed use) is zoned for single family housing. Most of the Town's single family homes were added between 1940 and 1970 when vacant land was more plentiful and single family ownership was more attainable for middle class households.

Exclusionary lending and zoning practices, including redlining and restrictive covenants, were once common across the U.S. These practices have resulted in segregated living patterns and racially disparate housing outcomes. Although the Town is not aware of the existence of historical redlining maps for Corte Madera, there are several subdivisions in Corte Madera where restrictive covenants are known to have been used, including Corte Madera Woods on Christmas Tree Hill, Madera Gardens, and subdivisions within the Chapman Park neighborhood. This history of exclusionary lending practices, coupled with historical zoning practices that prioritized single family homes over multifamily development, have contributed to a higher concentration affluence in Corte Madera than in many other communities in the Bay Area.

Many people of color have not benefited from the generational transfer of home equity and homes themselves, as some white people have, and rapidly escalating housing costs in recent decades have made it extremely difficult for people of color to get a foothold in the housing market. Anti-development sentiment throughout Marin County has also restricted new housing development, helping maintain patterns of segregation. As a result, Marin is one of the most segregated counties in the Bay Area, with five of the ten most segregated Census tracts in the region. Providing more housing and a variety of housing types at different affordability levels will

help to diversify the Corte Madera community and result in more balanced and integrated living patterns throughout the Bay Area. It will also bring fresh perspectives, lived experiences, skills, and expertise to Corte Madera, ensuring that the community is well equipped to face future challenges and opportunities.

Contributing Factors

- Preponderance of land zoned for single-family housing
- Lack of land zoned for multi-family housing
- Lack of housing affordable to lower and moderate income households

Housing Element Programs to Address Contributing Factors

Over the last 20 years, the Town has been developing more housing options for seniors, the disabled, low-income household, the homeless, and other protected classes. Notable successes include the following:

- San Clemente Place, a 79-unit development that provides affordable housing for very low and low-income households.
- Aegis, an assisted living and memory care facility with 118 units.
- Bell Mt. Tam, a 180-unit multifamily development built at 40 units per acre, including 16 deed-restricted units for very low and low-income households.
- Enclave, a 16-unit townhome development that utilized State Density Bonus law resulting in three affordable for-sale units.
- The Casa Buena, an 18-unit development that provides permanent supportive housing for formerly homeless individuals.

The Town produced 288 housing units during the current housing element planning period (January 2014-June 2022), four times the RHNA requirement of 72 units. Only 7% of these units were single family homes.

The Town's 6th cycle RHNA strategy continues this trend by expanding the housing stock and variety of housing options. The Housing Element sites inventory (Table 11) identifies capacity for nearly 1,000 housing units. The vast majority of these units are expected to be multifamily units (88%). ADUs are projected to make up at least 10% of the total of new units. The remaining 2% of new units are expected to be single family homes, with several of these new homes to result from SB 9.

Accessory dwelling units (ADUs) are one way to achieve more affordable housing. The Town has added 54 ADUs since 2014, with two-thirds of these developed since 2020 when new State laws significantly increased the potential for ADUs by prescribing certain development standards and a ministerial approval process. The Town has dedicated significant effort to promoting ADUs, including working with other Marin jurisdictions to create a website that provides information on designing, permitting, building, and renting an ADU. The Housing Element contains programs to further promote ADUs in Corte Madera.

Senate Bill 9 (SB 9), which went into effect on January 1, 2022, also provides potential to densify single family zones by allowing certain lot splits and the development of two housing units on each lot. In the first eleven months of 2022, the Town received eight applications for lot splits (one application was subsequently withdrawn by the applicant). The Town expects ADU and SB 9 development to greatly increase housing opportunities in single family neighborhoods

in years to come, aiding in diversification of established, and predominately white, neighborhoods.

Housing Element policies and programs continue to support the development of affordable units and units designed to meet the needs of seniors, the disabled, families (both large families and female-headed households with children), and the homeless. In addition, Housing Element programs are designed to achieve more diversity through such means as inclusionary zoning, affirmative marketing plans, and implementation and promotion of fair housing requirements during sale and resale of affordable housing units and in approving ADUs.

The following contributing factor was deleted from page 178:

~~SUBSTANDARD HOUSING CONDITIONS~~

~~The AFFH analysis states that 85 percent of the Town's housing stock is older than 30 years, and 66% is over 50 years old. Although the Town's housing stock is older, it is generally in excellent condition. Due to the high real estate value in Corte Madera, properties are generally well-maintained. According to Town Planning & Building and Code Enforcement staff, approximately 5% of the units in Corte Madera need rehabilitation. There are fewer than 10 structures that need significant rehabilitation and/or are in need of replacement. Cost of repairs can be prohibitive, especially for low-income households~~

~~Contributing Factors~~

- ~~• Age of housing stock~~
- ~~• Cost of repairs or rehabilitation~~

~~Housing Element Programs to Address Contributing Factors~~

~~The Housing Element contains programs to promote available rehabilitation loans to lower-income households. Programs include *H-3.5.b Rehabilitation Loan Programs*.~~

Table 32 on page 180 was revised to reflect the reorganization and reprioritization of contributing factors and to more closely connect goals and actions to mitigate identified fair housing issues.

Comment #5

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).)

Extremely Low-Income Households (ELI): The element includes some basic information regarding ELI households such as the number of households. However, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element should analyze tenure, cost burden and other household characteristics, compare those characteristics to other income and special needs groups then examine the availability of resources to determine gaps in housing needs. Finally, the element should examine the success of past efforts and formulate an appropriate programmatic response given the magnitude of the need.

Response #5

The number and tenure of ELI households are discussed on pages 28-30; cost-burdened ELI households are discussed on pages 45-47 and cost-burdened senior ELI households are discussed on pages 49-50. The following underlined text was added to page 30:

There are approximately 470 extremely low income households in Corte Madera (12.1% of the total number of households), and approximately two-thirds of these households own their homes. In order to remain in their homes, extremely low income owner households need programs to help reduce housing costs, while extremely low income renter households need programs to limit rent increases. The Housing Element contains *Program H-2.6.a Home Match Services* to help extremely low income homeowners develop a source of income and *Program H-3.5.b Rehabilitation Loan Programs* to provide these homeowners with money to make necessary repairs. *Program H-3.2.b Tenant Protection Strategies* will help to protect extremely low income renters from rising rents.

Overcrowded ELI households are analyzed on page 52, and senior ELI households are analyzed on page 57. The following underlined text was added to page 56:

Seniors who rent may be at even greater risk for housing challenges than those who own, due to income differences between these groups. The largest proportion of senior households who rent make 31%-50% of AMI, while the largest proportion of senior households who are homeowners falls in the income group *Greater than 100% of AMI* (see Figure 39). Extremely low income (0-30% of AMI) senior households are much more likely to be owners than renters.

The following underlined text was added to page 57:

This Housing Element includes policies and programs to promote multi-family housing that will increase housing opportunities for seniors, such as encouraging a full range of housing types (*H-1.1 Diversity of Population, H-1.4 Variety of Housing Choices, and H-1.7 Incentives for Senior Housing, and H-2.7 High Potential Housing Opportunity Areas* and their implementation programs.). Accessory dwelling units and home match services are important options for some seniors, such as extremely low income senior households, and can provide extra income to make it possible for seniors to remain in their homes and age in place (*H-2.14 Accessory Dwelling Units and H-2.6.a Home Match Services*). The updated Housing Element has specific policies for senior residents with special needs including adaptable units and assisted living facilities (*H-1.6.a Adaptable Units for the Disabled, H-1.6.b Visitability Ordinance, and H-1.6.c Residential Care Homes*).

Comment #6

Overpayment: The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).

Response #6

The following underlined text and Table 6 were added to the element on page 47:

Table 6 shows the number of cost-burdened renter and owner households by income category. Among the lower-income categories, the greatest number of cost-burdened owners are extremely low income households (390), while the greatest number of cost-burdened renters are very low income households (340).

Table 1: Household Overpayment by Income and Tenure

Household by Income & Housing Cost Burden	Total Renters	Total Owners
Extremely Low Income (0-30% of AMI)		
Cost Burden >30% and <50%	115	205
Cost Burden >50%	75	185
Very Low Income Households (31-50% of AMI)		
Cost Burden >30% and <50%	235	50
Cost Burden >50%	105	50
Low Income Households (51-80% of AMI)		
Cost Burden >30% and <50%	195	165
Cost Burden >50%	40	110
Moderate and Above Moderate Income (over 80% of AMI)		
Cost Burden >30% and <50%	15	385
Cost Burden >50%	0	100

Comment #7

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).)

Sites Inventory: HCD is aware of the Town’s intent to rezone sites to accommodate RHNA for the sixth cycle and that zoning will be completed by January 31, 2023. Should the rezone not occur prior to the start of the sixth cycle planning period, the Town must include a rezone program that includes all by right requirements consistent with Government Code Section 65583.2, subdivisions (h) and (i).

Response #7

The Town is aware of the requirement and rezoned all applicable sites before January 31, 2023. The draft Housing Element has been revised to reflect the accomplished rezonings, including a description of the new Mixed-Use Housing Element land use designation on page 107, a description of the adopted development standards for the new Housing Element overlay district on pages 111-113 (Tables 19-21), and an analysis of the Housing Element overlay district on pages 119-120.

One of the sites proposed in the first draft of the Housing Element was subsequently removed. The draft Element has been revised to reflect this action, including revision of the AFFH analysis in Appendix C.

Comment #8

Realistic Capacity: The estimate of the number of units for each site must be adjusted as necessary, generally based on the land use controls and site improvements and typical densities of existing or approved residential developments at a similar affordability level. The element lists a few recent projects (pp. 78 and 79); however, given the element is assuming 100 percent of maximum allowable densities, it should list all recent projects. The listing should evaluate projects by zone, maximum allowable density, parcel size, number of units, affordability, and frequency of exceptions such as density bonuses. This analysis should particularly examine trends based on zones and size of projects and demonstrate those circumstances are similar to identified sites. Alternatively, the element could rescale assumptions less than maximum allowable density (e.g., 80 to 90 percent and 50 percent).

Also, where zoning allows 100 percent nonresidential uses, the calculation of residential capacity should account for the likelihood of 100 percent nonresidential development. 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.

Response #8

The following underlined text and Table 12 were added on page 79:

All multi-family residential projects built in Corte Madera since 2008 demonstrate that housing projects typically achieve residential densities at or above the allowable maximum density. These projects demonstrate how the Town supports and facilitates redevelopment of nonvacant land at higher residential densities. The projects are summarized below and in Table 12.

Table 2: Multifamily Projects Built in Corte Madera since 2008

Project	Zoning District	Maximum Density	Built Density	Parcel Size	Number of Units	Affordability	Exceptions
Bell Mt. Tam	Mixed Use Gateway	40 du/ac	40 du/ac	4.5 acres	180	10%	None
Enclave	Low-Density Multiple Dwelling	11 du/ac	13 du/ac	1.2 acres	16	25%	Density Bonus
San Clemente Place	Mixed Use Commercial	25 du/ac	28.8 du/ac	2.7 acres	79	100%	

The following underlined text was added to page 80:

In addition to the multi-family projects discussed above, the Town also approved a project in 2019 (The Residences at the Preserves) that consists of 16 single-family homes and 8 attached Accessory Dwelling Units (ADUs). This project is currently under construction and is anticipated to be completed in early 2024. This site was identified as a High Potential Housing Opportunity Area in the 2015-2023 Housing Element, with a density capacity of up to 16 single-family homes and 8 ADUs. Due to the potential environmental impacts associated with tree loss, the 2015–2023 Housing Element notes the site’s realistic development capacity may be reduced to 15 single-family homes and 8 ADUs. The ADUs range in size from 665 square feet to 742 square feet. This project achieves the Housing Element development program for the site, including the provision of providing ADUs that aids the Town in meeting an objective to provide a variety of housing options. This project also highlights the Town’s track record of approving projects consistent with the maximum development capacity allowed.

The Town recently rezoned Housing Element sites 1-10 and included a 5 unit/acre senior housing density bonus on sites 1-4 and 6-10 that was not anticipated in the first Housing Element draft. Table 11 on pages 74-75 was revised to reflect the revised density range. Development capacities do not take into account the Town’s density bonus for senior housing projects. Thus, the realistic development capacity identified for sites 1-3, 6-7, and 9-10 is 88% of the maximum allowable density, and the realistic development capacity for sites 4 and 8 is 83% of the maximum allowable density. This is noted in the discussion of each site on pages 83-91.

The following revisions were made to the text on page 81:

As a result of existing market demand for residential and corresponding decline in demand for commercial and retail space, the analysis assumes all mixed use sites will be developed at or near maximum residential density (without the Town’s senior housing density bonus) with the same or less commercial space as currently exists. Sites 1-10 have been rezoned to a Housing Element overlay district, consistent with the recently approved Mixed-Use Housing Element General Plan land use designation for each site. The new overlay district allows both commercial and residential uses. The amount of commercial FAR permitted in the Housing Element overlay district is in addition to the permitted residential density. Of the 10 sites, only four sites will be required to provide a minimum square footage of commercial. The other six sites could potentially be developed solely with residential uses.

The following underlined text was added to page 107:

As shown in Table 16, the maximum commercial FAR for the Mixed-Use Housing Element land use designations is in addition to the maximum residential density.

Table 16 on page 107 was revised as follows:

Designation	Commercial FAR	Residential Development Density
Mixed-Use Region-Serving Commercial	0.47	5.0 to 7.5 units per acre. Up to 9.4 units per acre with density bonus
Mixed-Use – Gateway Area	0.34	25.1 to 40.0 units per acre

Mixed-Use: Old Corte Madera Square	1.0	15.1 to 25.0 units per acre. Up to 31 units per acre with density bonus
Mixed-Use Commercial	0.34; up to 0.4 for mixed-use development with residential	15.1 units per acre; 20.0 units per acre for senior project
Housing Element Mixed-Use Neighborhood	0.2 <u>commercial FAR in addition to residential density for mixed-use development</u>	Up to 25.0 units per acre and 30.0 units per acre for senior housing
Housing Element Mixed-Use Corridor	0.2 <u>for commercial FAR in addition to residential density for mixed-use development</u>	Up to 35.0 units per acre and 40 units per acre for senior housing
Housing Element Mixed-Use Core	0.34 <u>for commercial FAR in addition to residential density for mixed-use development</u>	Up to 40.0 units per acre

Comment #9

Nonvacant Sites: Nonvacant sites accommodate 50 percent or more of the lower-income need, the housing element must describe “substantial evidence” that the existing use does not constitute an impediment for additional residential use on the site. 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.

Response #9

A discussion of nonvacant sites appears on pages 91-92. The following underlined text was added to the last paragraph:

Nonvacant sites are expected to accommodate more than 50% of the Town’s lower income housing need. Therefore, the Town will include findings, based on substantial evidence, in the resolution adopting the housing element. These findings will be based on the site characteristics described above for Sites 1 through 10.

Comment #10

Small Sites: 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. (c)(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.

Response #10

All sites are larger than one-half acre, although Sites 3, 7, and 8 each contain some parcels that are less than one-half acre. In these cases, the sites are functionally consolidated because they are under the same ownership and in the case of Site 7 is already developed with a building located across three parcels. As discussed on page 89, Site 8 includes two small parcels totaling 0.22 acres owned by the Town.

As noted on pages 86 and 89 Program H-2.7.a Facilitate Development of Affordable and Senior Housing on high Potential Housing Opportunity Sites applies to Sites 3 and 7. Action “e” of Program H-2.7.a states that the Town will “facilitate development through regulatory incentives, reducing or waiving fees, fast track processing, lot consolidation, and assistance in development review.”

The following changes were made to page 85 to clarify that Site 3 is under single ownership:

The site was recently rezoned to increase the maximum density from 15.1 du/ac to 35 du/ac and up to 40 du/ac for a senior housing project. The property owners ~~have~~ has expressed interest in redeveloping the site with multi-family housing within the planning period and agreed to have their property identified as an opportunity site in the element.

The following underlined text was added to page 88 to clarify that Site 7 is functionally consolidated:

Site 7 is located at 5750 Paradise Drive and is identified in Table 11 and Figure 47 above. The site is made up of three contiguous parcels, under the same ownership, and combined are 1.76 acres. The existing 10,713 square foot building is situated across the three contiguous parcels, and the site is functionally consolidated. The building was built in 1975, and the current tenant is an equipment rental and storage facility. The site was recently rezoned to the HE-2 overlay district which increases the maximum density from 15.1 du/ac to 35 du/ac and up to 40 du/ac for a senior housing project.

The following changes were made to the text on pages 89-90:

Site ~~9~~ 8 is located at 5651 Paradise Drive and is identified in Table 11 and Figure 47 above. The site is made up of three contiguous parcels (Lots 28, 65, & 66) and combined are 1.54 acres. Two of the parcels are owned by the Town (Lots 65 and 66). The two Town-owned parcels are currently used for parking. The Town acquired Lot 65 subject to a deed restriction stating that the property would be used only for public parking. The Town subsequently acquired Lot 66 in 2003 for public parking; however, the Town is not required to maintain that use in perpetuity. The two Town-owned parcels are included in Site 8 to allow for site plan flexibility and are intended to be utilized in conjunction with anticipated development at Lot 28. The Town intends to explore options to donate or otherwise leverage this land to facilitate housing development at the site, including affordable units. The Town will comply with the Surplus Land Act, California Government Code Section 54220. These two parcels are vacant and are 0.22 acres combined. Lot 28 is developed with an existing 14,420 square foot building that was built in 1961, and the tenant is currently a gym. The site was recently rezoned to the HE-1 overlay district which allows residential use with a maximum density of 25 du/ac and up to 30 du/ac for a senior housing project. The adopted zoning ordinance codifies that redevelopment of this site would be limited to the existing developed area of Lot 28.

The site has access to Highway 101 and has several services close by. A grocery store is located at the adjacent Paradise Shopping Center, and an elementary school, parks, trails, and other retail and commercial services are approximately one mile or less away. Marin Transit provides local bus service with bus stops one block away, and Golden Gate Transit provides commuter bus service from Santa Rosa to San Francisco with bus stops along Highway 101. The Larkspur Ferry Terminal with service to San Francisco and Sonoma Marin Rail Transit station are 2.7 miles from the site.

The age of the structure, underutilized nature of the parcels, well-documented developer interest in the redevelopment of aging shopping centers, and the Town's ability to promote and leverage additional property make this site suitable for development during the planning period. Based on a realistic density of 25 du/ac of Lot 28 (83% of the allowable maximum density), the site is projected to yield ~~39~~ 33 very low and low-income units in accordance with rules governing how units may be counted toward meeting the Town's RHNA. The two Town-owned parcels are not included in the calculation to determine unit capacity.

Comment #11

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element should analyze whether parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.
- *Supportive Housing:* The element should describe the Town's procedure for complying with Government Code section 65651, subdivision. Section 65651 requires jurisdictions to allow supportive housing by right in zones allowing multifamily housing, including mixed-use and nonresidential zones when the development meets certain requirements.
- *Low Barrier Navigation Center:* Low Barrier Navigation Centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65660. The element must demonstrate compliance with this requirement and include programs as appropriate.

Response #11

Emergency Shelters.

The following underlined text was added to the discussion of Homeless Shelters on page 101:

Government Code 65583(a)(4)(A)(ii) states that the local jurisdiction may apply written, objective standards to provide "[s]ufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone." Corte Madera Municipal Code Section 18.16.320 states that "[o]n-site parking shall be provided at a ratio of one parking space for every two beds." The Zoning Code should be revised to comply with the state code.

The following underline text was added to Program H-1.4.a Housing Types on page 154:

- d. Clarify that parking requirements for homeless shelters under Municipal Code Section 18.16.320 may not exceed more parking than required for other residential and commercial uses in the same zone.

Supportive Housing.

The following underlined text was added to the discussion of Supportive Housing on page 100:

Supportive housing is a use by right in all zones where multifamily and mixed uses are permitted. In 2021, the Town adopted Title 22, which specifies that Supportive and Transitional Housing are subject to the objective design and development standards of the form-based code that apply to other multi-family development in the same zone.

Low Barrier Navigation Center.

The following underlined text was added on page 102:

LOW BARRIER NAVIGATION CENTERS

A "low barrier navigation center" is a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" means best practices to reduce barriers to entry and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Government Code 65660 requires a low barrier navigation center to be a use by right in mixed use and nonresidential zones that permit multi-family housing if it meets the following criteria:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.
3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System.

Program H-1.4.a Housing Types directs the Town to amend the Corte Madera Municipal Code to allow low-barrier navigation centers as a use by right in mixed use and nonresidential zones that permit multi-family housing, subject to the criteria of Government Code 65660.

The following underline text was added to Program H-1.4.a Housing Types:

- e. Allow low-barrier navigation centers as a use by right in mixed use and nonresidential zones that permit multi-family housing, subject to the criteria of Government Code 65660.

Comment #12

Electronic Sites Inventory: Pursuant to Government Code section 65583.3, subdivision (b), upon adoption of the housing element, the Town must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov. Please note, the Town 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 Town can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Response #12

The Town is aware of the requirement and will submit an electronic version of the sites inventory with its adopted housing element.

Comment #13

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 analyze the height requirement (p. 111) of 30 feet (2 stories) in the Affordable Housing Overlay (AHO) as a potential constraint on housing. Should the analysis determine the height standards are a constraint on residential development, it must include a program to address or remove any identified constraints.

Response #13

The following changes were made to the discussion of the Overlay Districts on page 118:

Building height. The AHO limits building height to 30 feet. This effectively limits housing to two stories, which is a ~~necessary constraint~~ designed to preserve the historic character of the Old Corte Madera Square neighborhood.

The following changes were made to the discussion of the Overlay Districts on page 119:

No projects have taken advantage of the incentives provided in the AHO district. As a result, Program H-2.8.a directs the Town to evaluate the existing height limit of 30 feet as a constraint to development and to consider amending the Zoning Code to allow height up to 3 stories.

The following action was added to Program H-2.8.a Action for Old Corte Madera Square on page 162:

- a. Evaluate the existing height limit as a constraint to development and consider amending the Zoning Code to allow height up to 3 stories.

Comment #14

On/off-site improvement: While the element states the town is built out, and all infrastructure, including curbs, gutters, sidewalks, streets, and utilities are in place. The element must still identify typical on and off-site improvement requirements and analyze their impact as potential constraints on housing cost, supply (number of units) and feasibility.

Response #14

The following underlined text was added to the discussion of On and Off-site Improvements on page 141:

The Town requires new development to add missing, and repair existing, sidewalk segments along abutting front and/or side streets and plant street trees along abutting front or side streets where there is adequate room to also maintain sufficient width for traffic lanes, pedestrian sidewalks, and bicycle facilities.

New development that creates one or more blocks must install raised curbs drained by inlets, crosswalks with curb ramps at new and adjacent intersections, and bike lanes. The zoning ordinance amendments adopted for the housing opportunity sites includes public frontage standards related to sidewalks and street trees. Housing sites that abut a public right-of-way are required to either provide a minimum sidewalk width of 10 feet inclusive of required street trees within a tree grate or provide a minimum 8-foot clear sidewalk width with a separated minimum 4-foot wide planting strip adjacent to the curb and gutter. Street trees are required to be planted along the entirety of the street frontage with a maximum spacing of 30 feet on center.

Objective standards for streets, sidewalks, and curbs, and planting strips for various street types are specified in Chapter 17.12 of the Municipal Code. Street widths are as follows: major street, 30 feet in each direction; secondary and collector street, 40 feet; minor street, 30 feet; minor street on natural ground with gradient of more than 15 percent, 26 feet; two-level minor street, 16 feet in each direction; minor street in -S slope conservation district where natural ground slope is 18 percent or more, 22 feet; cul-de-sac serving five lots or less in -S slope conservation district, is 18 feet.

Although on and off-site requirements may add to the cost of housing development, they are necessary for the safety and welfare of residents. For example, street trees represent an added cost, but they are useful in shading streets and buildings and sequestering carbon, thereby reducing energy use and greenhouse gas emissions, and mitigating health impacts due to excessive heat. Required on-site improvements were taken into account when determining the realistic capacity of each housing opportunity site and do not reduce the feasibility of new development.

Comment #15

Processing and Permit Procedures: The element indicates that the Town implements a form-based code as part of Title 22 when a proposed development project requests permit streamlining. However, it must describe and analyze the typical objective standards for a typical single family and multifamily development. Secondly, the element should also describe and analyze the permit and entitlement process for a typical single family and multifamily development that meets zoning requirements. The analysis should address processes, decision making bodies, number of hearings, approval findings and total typical time necessary to complete the entitlement process.

Response #15

Processing and permit procedures are discussed on pages 128-135. Figures 61-63 were added to the element and the following underlined text was added on page 131-132:

Title 22 establishes the palette of form-based zones, which include T3 Edge Neighborhood, T4 Suburban Neighborhood Small, T4 Core Neighborhood Medium, and T4 Suburban Main Street Small. The zones focus on mixed-use, walkable environments, and range in function and intensity from primarily residential areas with a mix of lower intensity building types (T3 Edge Neighborhood), to moderate intensity neighborhoods (T4 Suburban Neighborhood Small), to moderate intensity centers (T4 Suburban Main Street Small), to higher intensity neighborhoods (T4 Core Neighborhood Medium). Each zone includes a variety of development standards, including but not limited to number of stories, maximum building height, setbacks, allowable encroachments, parking standards, and frontage requirements.

Title 22 provides specific objective standards for various building types including house, duplex side-by-side, duplex stacked, cottage court, fourplex, neighborhood townhouse, neighborhood courtyard, pocket neighborhood, multiplex, and main street building. Standards address width and depth of building components, massing composition, pedestrian access, vehicle access and parking, and open space. Title 22 also includes general standards that apply to all design sites. These standards include such things as screening, landscaping, lighting, parking & loading, slope standards, public frontage standards, and privacy standards.

The Town of Corte Madera is not currently subject to SB 35. Nonetheless Title 22 includes procedures for filing applications under SB 35. These procedures do not currently apply in Corte Madera; however, they were included to ensure that there is a procedure in place if/when the Town becomes subject to SB 35. Section 22.090.020 of Title 22 details procedures for filing applications under SB 35, including filing a preliminary application consistent with Government Code Section 65941.1. Applicants are instructed to file a preliminary application using the standardized form adopted by HCD and to submit a full SB 35 application within 180 days of

submitting the preliminary application. The Review Authority's scope of review is limited to all of the provisions contained in Government Code §65913.4(a) and applicable objective standards in effect at the time of application submittal. The Director of Planning & Building determines if the application is consistent with Government Code §65913.4(a) and applicable objective standards within 60 calendar days for a housing development that includes 150 or fewer units and within 90 calendar days for a housing development that includes 151 or more units. Any design review or public oversight (i.e., Planning Commission) review may take up to 90 calendar days for a housing development that includes 150 or fewer units and up to 180 calendar days for a housing development that includes 151 or more units. Applications that are non-compliant and ineligible for SB 35 streamlined processing may elect to submit an application for the applicable discretionary review. Title 22 also details application and review procedures for projects consistent with the HAA. Figures 61-63 illustrate the review process under SB 35 and the HAA.

Consistent with State law, the Town's SB 9 ordinance creates a ministerial review process for all SB 9 eligible housing units proposed in single-family zoning districts. Title 22 includes a zone (T3 Edge Neighborhood zone) that will apply to all future housing units proposed using the provisions of SB 9. The intent of the T3 Edge Neighborhood Zone is to create a walkable neighborhood environment of small to medium footprints, and low intensity housing that is compatible with the single-family neighborhood context. The development standards in the T3 Edge Neighborhood Zone are very similar to the development standards in the R-1 (Medium Density) zoning district, which is the most common of the residential zoning districts in Corte Madera. Any new developments seeking to utilize SB 9 are required to utilize the House or Duplex (side by side) typology in Title 22. Additional objective standards in Title 22, including privacy, landscaping, lighting, and fences will also apply.

The Town adopted Title 22 in December 2021 and has had limited experience processing applications under its provisions. No applications for SB 330 or SB 9 projects have been received to date. As a result, the housing element contains program H-3.1.c which requires the Town to biennially evaluate the Town's objective design and development standards to determine if the standards are facilitating development and to revise Title 22 as necessary.

Comment #16

Finally, the element states that a design review permit is required for the "R" districts for any structure or addition larger than 250 square feet or taller than 15 feet. The element includes the findings for approval on page 123, however the following findings should be analyzed as a potential constraint on approval certainty and should include a program(s) to address or remove the identified constraints:

- "The project is in scale and harmonious with development in the vicinity,"
- "Development materials and techniques are high quality," and
- "The structure(s), site plan, and landscaping have an internal sense of order,"

Response #16

The following underlined text was added to Program H-3.1.a Incorporate Housing Design Principles into Design Review Process on page 167:

Incorporate principles of good design from Policy H-3.1 into the Design Review process for multi-family housing. Evaluate the existing findings for design review and revise as needed to provide clear criteria for approval. Utilize Title 22 and accompanying architectural standards for guidance.

Comment #17

Housing for Persons with Disabilities: The element on page 128 describes the Town currently has a procedure for requesting and granting a reasonable accommodation for persons with disabilities, however the element should also describe approval findings and the process for providing reasonable accommodations.

Response #17

The following underlined text was added to the discussion of Procedures for Ensuring Reasonable Accommodation on page 142:

The reviewing authority issues a written decision to grant, grant with modifications, or deny a request for reasonable accommodation that is consistent with fair housing laws and is consistent with the following criteria:

1. The housing which is the subject of the request for reasonable accommodation will be used by individual(s) with a disability protected under fair housing laws;
2. The requested accommodation is necessary to make housing available to individual(s) with a disability protected under the fair housing laws;
3. The requested accommodation would not impose an undue financial or administrative burden on the Town;
4. The requested accommodation would not require a fundamental alteration in the nature of the town's land use and zoning program;
5. The design and location of the accommodation is done in a way to minimize impacts on neighboring properties and the design character of the neighborhood to the extent feasible; and
6. The requested accommodation would not impose an undue hardship on the health, safety or welfare of the subject property owner/occupant or adjacent property owners.

The process for reviewing and approving requests for providing reasonable accommodations is described on page 142.

Comment #18

SB 35 Streamlined Ministerial Approval Process: The element must identify and analyze written procedures for the SB 35 Streamlined Ministerial Approval Process and add a program if necessary.

Response #18

The SB 35 Streamlined Ministerial Approval Process is discussed on page 131-134. See Response #15. The Town of Corte Madera is not currently subject to SB 35.

Comment #19

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

Response #19

The following underlined text was added to page 125:

Pursuant to Government Code 65940.1(a)(1), the Town posts all development fees, zoning ordinances, and development standards on its website.

Comment #20

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

Approval Time and Requests for Lesser Densities: The element must address requests to develop housing at densities below those anticipated in the sites inventory. While Table 25 on page 126 lists processing times for the various land use approvals that could be required for residential projects, it should also describe the length of time between receiving approval for housing development and submittal of application for building permits. The analysis must address any hinderances on housing development and programs should be added as appropriate.

Response #20

The following underlined text was added to pages 81-82:

Although the Town is quite confident housing opportunity Sites 1-10 will be developed at maximum permitted densities, there is no required minimum residential density and there is a chance that sites will be developed at less than the realistic capacity identified in the sites inventory (Table 11). In anticipation of this possibility, the Town has identified and rezoned enough sites to provide housing capacity that exceeds the total RHNA by 40%. If a housing development is approved at a lower density than projected, the Town will determine the impact on the Town's remaining RHNA at all income levels, and as necessary to comply with the state No Net Loss law, the Town will identify additional sites and/or increase permitted densities on existing sites to make up for any shortfall in any income category.

The following underlined text was added to pages 128-129:

The Town approved two recent residential projects (a multi-family project and a single-family subdivision) which highlight that permit processing times and procedures are not a constraint to development. These projects are further discussed below.

- **645 Tamalpais Apartments.** This project includes a new 2,560 square foot 3-unit apartment building at 645 Tamalpais Drive. The project site is developed with an existing 1-story office building (which is being retained) and parking areas. The new building is proposed over an existing rectangular parking area that is in between the existing commercial building at 645 Tamalpais Drive and the commercial building at the adjacent property. The ground floor consists of parking and the residential units are on the second and third floors. The applicant submitted an application to the Town in April 2021 for a Variance and Design Review application. Construction of the proposed apartment building will require approval of a lot line adjustment with the adjacent property owner because a small portion of the parking area associated with the project is located on the adjacent property. There was a delay in scheduling the public hearing because the applicant needed to obtain written approval from the adjacent property owner for the lot line adjustment. The Planning Commission held a public hearing on the project in August 2022 and unanimously approved the project. The applicant has not yet submitted a building permit application to the Town. Staff has had several conversations with the applicant about the building permit and anticipates that it will be submitted soon.
- **The Residence at the Preserves.** The applicant submitted an application to the Town in May 2017 for a Zoning Amendment to enable a Planned Development for a clustered subdivision on Robin Drive in eastern Corte Madera. The planning entitlements included a Zoning Amendment, Preliminary Plan, Precise Plan, Tentative Map, and Design Review. The project subdivided the property into 19 lots with a private access road, and construction of a 16-unit single-family subdivision with 8 attached Accessory Dwelling Units. The Planning Commission held a public hearing in February 2019 and recommended that the Town Council approve the project. The Town Council approved the project in April 2019. Building permits were issued in July 2021. The project is currently under construction and is anticipated to be completed in early 2024.

There are many circumstances that are beyond the Town's control, such as market and economic conditions. The Town recognizes that these circumstances could impact the financing of a project, which in turn could delay the construction of a project. As such, the zoning ordinance allows for an approval to be renewed. An approved project (i.e., Design Review Permit) lapses one year following the date on which the approval becomes effective (effective date is 10 days after the approval date) unless it is extended before that time. Prior to the expiration date, an applicant may request in writing to the Planning Department for a one-year extension. These extension requests are always granted, and no fee is required to extend a permit. Additionally, the zoning ordinance includes a provision for the Zoning Administrator or Planning Commission to grant design review approval for a period not to exceed three years from its effective date in cases when the anticipated time for site preparation will exceed one year.

The following underlined text was added to page 146:

The availability of financing, as well as general market and economic conditions, can impact a developer's decision to move forward with construction after receiving planning approval. In these cases, the Town typically approves a permit approval extension without charging a fee.

Comment #21

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 achieve the goals and objectives of the housing element, Programs must have specific commitment and discrete timing (e.g., at least annually or by January 2024) early in the planning period. Several programs utilize language such as “consider” and “explore” and should commit to actual outcomes with language like “adopt”, “amend”, “complete”, “establish”, “explore and revise”.

Examples include Programs H-1.4.a – Housing Types and H-1.6.b - Visitability Ordinance. Other Examples of programs that should be revised include but are not limited to:

- *Program H-1.5.b (The Casa Buena Permanent Supportive Housing):* The program should commit to how often community meetings will be facilitated (e.g., annually, biannually).
- *Program H-1.7.a (Incentives for Senior Housing):* The program should clarify the kinds of incentives for senior housing.
- *Program H-2.3.b (Affordable Housing Fund):* The program should commit to how often the housing fund will be used toward affordable housing.

Response #21

The following programs were revised:

Program H-1.4.a on page 153.
Program H-1.5.b on page 154.
Program H-1.6.b on page 155.
Program H-1.7.a on page 156.
Program H-2.3.b on page 159.
Program H-2.12.b on page 165.

Comment #22

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 Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

Response #22

Revisions to the sites inventory and analysis are noted above. No additional programs are needed to address a shortfall of sites. Revisions to Program H-1.4.a Housing Types to encourage a variety of housing types are identified in Response #1 and 11.

Comment #23

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).)

Assist in Development Programs: Program H-2.10.a (Incentives for Affordable Housing) should be expanded to ELI and all special needs households (e.g., farmworkers, elderly, homeless and persons disabilities, including developmental). In addition, the program should commit to discrete timing (e.g., at least annual) and proactive efforts such as at least annual contact with affordable housing developers to identify development opportunities as well as assisting with funding beyond the Affordable Housing Fund.

Response #23

The first sentence Program H-2.10.a on page 164 was revised as follows:

As part of the development review process, offer the following incentives to encourage the development of affordable housing, including housing for extremely low income households and special needs populations:

Comment #24

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

As noted in Findings B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

Response #24

See above responses. Program H-1.4.a Housing Types was revised.

Comment #25

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 assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, milestones and geographic targeting and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in higher opportunity or higher income areas, place-based strategies for community preservation and revitalization and displacement protection. Programs should put particular emphasis on housing mobility and new opportunities (choices and affordability) in higher resource or income areas throughout the Town, should not be limited to the RHNA and, instead, target meaningful change in terms of fair housing issues beyond the Town's borders.

Response #25

See Response #4.