

Town of Woodside (Town revisions from 10-25-23 in **YELLOW** and Town revisions from March 6, 2024 in **GRAY** in Marked up Version of Draft3 Submittal)

Received Town: 10-25-2023

Prior Review: 8-24-2023

HCD Feedback Below: 1-11-24

	HCD's Previous Findings	Page	Y/N/~	HCD Feedback 1-11-24	Town Responses 3-6-24
1.	Review and Revise				
a.	<p>The element was not revised to address this requirement. Please see HCD's prior letter for additional information.</p> <p>A thorough program-by-program review is necessary to evaluate Town's performance in addressing housing goals. As part of this analysis, the element should describe and quantify the actual results of the prior element's programs and evaluate effectiveness by, for example, comparing those results to the planned objectives. This information and analysis provides the basis for developing an effective housing program.</p> <p>In addition, as part of the review of programs in the past cycle, the element must provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers and persons experiencing homelessness).</p>	1-3 2-1-	Yes		
2.	Affirmatively Furthering Fair Housing				
a.	Fair Housing Enforcement and Outreach: Ongoing outreach clarity needed	H-15	Yes		
3.	Sites Inventory				
a.	<p>Progress in Meeting the RHNA: In addition, Table 3-5 (page 3-34) includes pipeline ADUs, single family development assumptions, and land divisions. The element must clarify whether the units and land divisions listed are current applications being processed, or the basis for the assumptions. Table 3-5 (current applications vs assumptions) clarified?</p>	Table G-1 (pages G-9G-10)	~	Element should state that affordability's are based on submitted applications	<p>The comments cite Table 3.5. Table 3.5 was removed and replaced with Table 3-4 after the initial 2022 submittal to HCD and has now been relabeled as Table 3-7. No land divisions are included in pipeline projects.</p> <p>Pages G-9 and G-10 (Table G-1) were updated. These are projects that were in the planning period between 6-1-22 and 1-31-23. These are all filed applications, not speculation. Affordability distribution for ADUs is based on ABAG report, which has been previously indicated as acceptable.</p>
b.	<p>Realistic Capacity: Methodology okay? Not based on land use controls or typical densities but rather market feasibility study.</p> <p>Previous Finding: The element generally was not revised to address this requirement. Please see HCD's prior review for additional information.</p>	3-21	Yes		

	<p>While the element provides assumptions of residential buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the residential capacity assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.</p> <p>In addition, currently, the rezone sites assume residential capacity at maximum allowable densities which do not appear to account for land use controls. The element must support this with past residential development trends as described above or revise residential capacity assumptions as appropriate.</p> <p>Finally, the calculation of residential capacity must also account for the likelihood of 100 percent non-residential uses in zones that allow 100 percent non-residential uses. This analysis should consider development trends and may utilize residential performance standards or policies and programs that ensure a residential component.</p>				
c.	Environmental Constraints: Any other known barriers to redevelopment missing	SI 3-22-	Yes		
4. Zoning for a Variety of Housing Types					
a.	Emergency Shelters: Development standards, including parking requirements needed	3-18	No	<p>The element should describe the development standards of the Community Commercial (CC) zone that allows emergency shelters as permitted uses and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions inappropriate for human habitability. The element should also clarify whether or not emergency shelters are permitted by-right. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A). The element should include programs as necessary to comply with these requirements.</p>	<p>The Housing Element has been updated to include current development standards for Emergency Shelters in Table 3-6 and a constraints analysis.</p> <p>Municipal Code Section 153.107(Table A-1) currently lists Emergency Shelters as a "Permitted Use" in the CC Zoning District which currently allows residential uses. Permitted uses do not require discretionary review. This is already in the Town Municipal Code. Any of the existing CC zoned parcels could be used to accommodate Emergency Shelters. Currently the Municipal Code does not have specific parking standards for emergency shelters so Program H4.3.a has been updated requiring the Town to adopt specific parking standards for Emergency Shelters 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, and that would not create a barrier to establishing an Emergency Shelter with a target date included. Program H4.3.a. also requires ongoing review of the development standards to ensure they do not create a barrier to establishing or maintaining an emergency shelter.</p>

5.	Governmental Constraints				
a.	<p>Land Use Controls: The element briefly describes some development standards but still must analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis must also evaluate the impacts of land use controls independently and cumulatively on housing cost and supply, feasibility, ability to achieve maximum densities, timing, and approval certainty. Please see HCD's prior review for additional information. Missing cumulative analysis.</p>	3-18 F1-	No	<p>All relevant development standards should be described in detail and analyzed for potential constraints (i.e., height limits other than Measure J, allowable densities (du/acre per zone), building setbacks, lot coverages, minimum unit sizes, parking requirements, open space requirements, floor area ratios, etc.). The element should clarify whether zoning controls are conducive for development at maximum densities for each zone. Programs with specific commitments to addressed constraints identified as part of analysis should be added with discrete timing, as needed.</p>	<p>Per 2-13-24 conversation, the Town included the development standards and further analysis. It notes that where there are constraints to development in the Western Hills, the Town has a Program H6.2.c to provide more flexibility in development standards in that area. ADU standards are described and comply with state law. Programs H1.1(b), H1.2(c) and (d), and H1.13(a)-(e), among others, commit to various changes to make ADUs more accessible and more widespread.</p> <p>Multifamily development standards and Objective Design Standards are in process. Updated programs H3.2.a and H2.1.a specify that site specific Objective Design Standards will be adopted for each multi-family site by the end of 2024. All multi-family sites will be permitted uses that are allowed by a matter of right.</p> <p>H1.3.c Appendix F - Housing Development Constraints, Development Costs, and Zoning Analysis – provides an analysis of constraints due to land use controls. Housing Element, Chapter 3, Section 3.6 Sites Inventory and Assessment to Accommodate Housing Units also notes development controls.</p>
b.	<p>Fees and Exactions: The revised element identifies the total amount of fees and their proportion to the development costs for single family development and compares the total amount of fees to other jurisdictions in the region, it should also list all fees (i.e., development impact fees, permitting fees, planning fees, etc.) and analyze their impact as potential constraints on housing cost, supply, and affordability. The element must add programs to address potential constraints as appropriate. All fees listed? Analysis?</p> <p>In addition, while the element states multifamily fees will be established alongside rezoning (p. 3-18), it should add or modify programs to commit to establish fees that do not act as a constraint on development.</p>	3-18 F1-	No	<p>Fees in Appendix F (i.e., Table F-1, F-2, and F-3) are not sufficient for a complete analysis of local fees and exactions. The element must list all fees (i.e., development impact fees, permitting fees, planning fees, etc.) within the jurisdiction and analyze their impact as potential constraints on housing cost, supply, and affordability. FYI – link to fees (not sufficient to substitute analysis) provided on page F-2 is broken.</p> <p>In addition, It seems the City intends to apply single family fees to multifamily projects? Program H3.3a should commit to establish Multifamily fees with discrete</p>	<p>The existing fees for development on SFD lots in Woodside are not an impediment for development of SFDs. The Town has already waived permitting fees for ADUs, which include units for different income levels. The Town cannot waive special district fees from the school district, fire district, or County Health. The current fee schedule is included in Appendix F and further analysis is included.</p> <p>MF development is sited on four lots, two owned by the Town, one owned by Cañada College, and one owned by a private owner. The Town owned sites will need to be 100% affordable units and the Town can waive any permit fees for those sites if necessary. The Cañada College site can also seek permit fee waivers from the Town, if necessary. The Town can consider fee reductions for privately owned sites if units are deed restricted to meet affordability levels. Program H3.3a commits to providing review and fee reductions for affordable multi-family development by the end of 2024.</p>

				timing. For example, development impact fees for larger projects should generally be less than SFR, specific commitment needed. Also depends on complete analysis.	
c.	Local Processing and Permit Procedures: The following should be clarified – type of permits, discretionary procedure, approval bodies, approval findings. In addition, architectural review should be analyzed as potential constraint.	3-19 Appx F	No	Design review approval findings should be described in detail and analyzed for potential constraints on approval certainty and approval times. In addition, architectural review requirement should be analyzed for potential constraints. Lastly, multifamily objective design standards (mentioned on page 3-19) should be described in detail (if already established?) or a program should be added to create them with discrete timing and specific commitment.	<p>The HE notes the process for SFD design review. It now includes the required findings and notes that only larger additions, and new residences (above moderate income) require public hearing review by the ASRB.</p> <p>The Town has hired a consultant to complete draft MF zoning and ODS. These draft standards are complete and ready for hearing review. Programs H2.1.a and H3.2.a ensure that the multi-family units will be allowed by right and cites Gov't Code Section 65583.2(h).</p> <p>No SFD design review has been denied in over 15 years. Action must be taken within 60 days, or three hearings, whichever is less, unless agreed upon by the applicant. While revisions are required for some projects, the majority of SFD projects complete the design review process with one public hearing.</p> <p>Chapter 3 and Appendix F have been updated to clarify processing times and design review findings for single family residences. This section is noted and analyzed under governmental constraints. The updates also clarify processing times for multi-family development which will be ministerial review.</p>
d.	Codes and Enforcement: What is chapter 7A requirement? Flag: water sprinkler requirement in all new buildings unusual?	3-20	Yes		
6.	Housing Needs Assessment				
a.	Needed special needs populations discussed w/available resource: persons with disabilities including developmental disabilities	3-34 Appx B	Yes		
7.	Programs				
a.	• Program H3.1a (Administer and Support New Independent Housing at Cañada College): While the Program was revised to address affordability levels and available resources, it must also add discrete timing associated with incentives and clarify the current status, as stated in HCD's prior review.	3-51 3-65	~	Program in Table 3-5 should include discrete timing to apply for funding (annually)	Program H3.1.a was updated to clarify that new zoning development standards and ODS will be completed by the end of 2024, which will allow the development of multi-family by right at up to 20 units per acre. It is also updated to clarify the Town will have at least bi-annual discussions with the District to determine the status of new housing and to determine if the Town can assist in any way to ensure permits are issued within the planning period.

b.	<ul style="list-style-type: none"> Program H4.1c (Group Homes): In addition to allowing group homes for seven or more persons, the Program should clarify these uses will be allowed in all zones allowing residential uses and similar to other residential uses of the same form in the same zone. 	3-53	No	Commitment for Group Homes (7+) needed. See previous finding.	Program H4.1.c has been updated to clarify that the Municipal Code already allows for supportive housing for seven or more people in single family residential districts to follow the same form of development (floor area, setbacks, heights, accessory structures, etc.) that is currently permitted. This Program prohibits the Town from modifying development standards in a way that would prohibit supportive housing or group homes similar to other residential uses of the same form in the same zone. In conjunction with the adoption of multi-family development requirements and Objective Design Standards (ODS) (Programs H2.1.a and H3.2.a), the Municipal Code will be updated to ensure supportive housing and group homes are permitted in the new multi-family zoning districts by adopting an ordinance prior to the end of 2024.
c.	<ul style="list-style-type: none"> Program H4.3a (Cooperate with Agencies Providing Emergency Shelter): The Program should commit to how often coordination will occur and describe services and funding that will be provided. 	3-55	Yes		
d.	<ul style="list-style-type: none"> Program H5.2a (Provide Sewer to Address Waste Disposal Failures): The Program should describe how often information will be provided and commit to efforts and actions to improve sewer access. 	3-57 G-5	Yes		
e.	<ul style="list-style-type: none"> Program H6.2c (Evaluate Development Standards in The Western Hills): The Program should go beyond reviewing development standards and commit to modifying development standards by a specified time. 	3-58 3-73	~	Program details including specific commitment and timing should align with Table 3-5 starting page 3-60	Program H6.2.c has been updated to clarify the commitments to adopt new flexible standards that would reduce the need for approval of discretionary exceptions for remodels/additions to existing units, and newly constructed units. This program commits the Town to adopting the new ordinance by the end of 2025.
8,	Programs: Sites				
a.	<ul style="list-style-type: none"> Programs H2.1a (Establish Higher Density Zoning Near Freeway Access) and H3.2a (Increased Density): The Programs must commit to meet all by-right requirements (Gov. Code, § 65583.2, subd. (h) and (i)) as noted in the prior review. In addition, the Programs should commit to establish appropriate development standards to facilitate achieving maximum densities. 	3-48 3-52	No	<p>"by-right" insufficient, should directly reference statute (see left).</p> <p>In addition, specific commitment to "establish appropriate development standards for multifamily sites in order to facilitate achieving maximum allowable densities" should be added.</p>	Programs H2.1a and H3.2a have been updated committing to adopt an ordinance for all of the multifamily sites to be developed by right, without discretionary review. Program H3.2.a specifically cites that the by right allowance for the multi-family units will be consistent with Government Code Section 65583.2(h) and (i).
b.	<ul style="list-style-type: none"> Programs H3.2a (Rezone Town-Owned Sites) and H4.2c (Workforce Housing): While the Programs commits to comply with the Surplus Land Act and disposition of the properties, the Programs should also commit to a schedule of actions to facilitate development in the planning period (e.g., coordination and assistance with funding, final entitlements, issuing building permits), including alternative actions if 	3-51 3-54 3-66	~	Program timing should occur earlier in planning period for more significant beneficial impact during the planning cycle (e.g., alternative actions should occur no later	Programs H3.2a and H4.2c has been updated to indicate that if the Town owned sites are not sold to an affordable housing developer, or a contract with an affordability housing developer has not been completed by the end of 2028, which ensures a schedule for permit issuance before the end of the planning period, the

	the sites are not developed by a specified date in the planning period (e.g., by 2028).			than 2028, timing for preceding actions may need to be adjusted as needed). Furthermore, the element should ensure all programmatic details including specific commitment and timing, including H3.2a and H4.2c, align in both Table 3-5 and those listed beginning on page 3-45 Section B (Goals, Policies, and Programs)	Town will review alternative sites for rezoning to 20 units per acre before the end of 2029.
c.	• Program H1.3f (Monitor ADU Production): The Program should commit to monitor ADU affordability in addition to production and take appropriate action at least twice in the planning period. The Program should specify when appropriate action will be taken. Finally, a menu of action should be considered in stride with progress and include potential rezoning if necessary.	3-47	~	Program H1.3f should also include timing to implement alternative actions, if needed (e.g., 6 months following review). Implementation timeline for Program in Table 3-5 starting page 3-60 should also include monitoring timing (3 years and 6 years).	Program H1.3.f has been updated committing to adopt additional policies for meeting the RHNA including identifying policies to incentivize ADU production, and if needed, identify areas in the Town suitable for rezoning to 20 units per acre by 2026 and/or 2029 if the ADU production rate does not meet at least 15 units per year.
9.	Programs: Constraints				
a.	As noted in Findings B3 and B4, 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.	--	No	Depends on complete analysis	Chapter 3 and Appendix F have been updated to include development standards for the different residential districts, development standards for emergency shelters, findings for single-family dwelling design review, planning and building fees, development standards for ADUs and SB9 projects, etc. All of the government and non-government constraints have been thoroughly evaluated and as a result Programs H1.3.f, H2.1.a, H3.2.a, H4.1.c, H4.2.c, H4.3.a, and H6.2.c have been updated to reduce barriers to developing a variety of housing types.
10.	Programs: AFFH				
a.	As noted in Finding B1, the element requires a complete affirmatively furthering fair housing (AFFH) analysis. Depending upon the results of that analysis, the Town may need to revise or add 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, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement, new housing choices and affordability in higher opportunity or higher income areas, place-based strategies for community revitalization and displacement protection. Particularly, the element must include significant and meaningful action to enhance housing mobility. HCD will send examples under separate cover.	--	No	Programs including ADUs/JADUs, SB9, Homesharing do not go beyond status quo or existing statutory requirements and RHNA – City should include additional programs to promote housing mobility.	Created new Programs H2.1.h, H2.1.i, H2.1.j, H2.1.k, and H2.1.l to establish targets for a variety of items, including but not limited to, no net loss of multi-family zoning, partnering with organizations who have offered assistance, such as HIP Housing with home matching and supportive services, rental assistance, education to landlords tenants and real estate agents about fair housing practices, update of the Town Center Plan to determine additional housing opportunities for different housing types, and overall housing mobility enhancement.

				HCD will provide examples under separate cover.	
11.					
a.	The element must include quantified objectives for construction, rehabilitation, and conservation by income group, including extremely low-income households. Please see the Building Blocks for additional information.		No		Section 3.8.g was added outlining the policies and programs that are in place to assist with the conservation and rehabilitation of existing housing units. Table 3-8 was added using the sample table below showing projections for new construction, and the rehabilitation and conservation/preservation of existing housing units.
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a.	Page 3-4 states outreach was conducted to various organizations including those advocating for lower income housing – to demonstrate diligent efforts the element should specifically identify which organizations this statement is referring to Page 3-11 summarizes high level key takeaways from public engagement, but should also indicate how public input was directly incorporated into the element including policies and program outcomes	3-4 H-15	Yes		

Quantified Objectives Table Example:

Income	New Construction	Rehabilitation	Conservation/ Preservation
Extremely Low-			
Very Low-			
Low-			
Moderate-			
Above Moderate-			
TOTAL			