

Table 1: Approach to Resolving HCD Comments on Atherton’s 2023-2031 Housing Element

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
Review of Prior Housing Element (Pgs. 100-111)	<p>Update the response to include an analysis in the narrative of Section 3.600: Review of 2015-22 Housing Element Performance. Will use information on special needs populations already provided in Table HE-11 and supplement with citations or additional information as needed.</p> <p>This analysis may result in recommended revisions to the 2023-31 Housing Element, to address concerns raised by the HCD letter from 10.31.22.</p>	Analyze the cumulative effectiveness of the previous Housing Element goals, policies, and programs on special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness).	The Housing Element provides Table HE-11 with all programs and goals from the previous element, with some references to special needs populations. However, there is no summary of the table that indicates performance for each special needs population group.	<p>Provide a thorough program-by-program review to evaluate the Town’s performance in addressing housing goals. While the element describes actual results of the prior element’s programs it must provide a description of how the objectives and programs of the updated element incorporate changes resulting from the evaluation.</p> <p>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.</p>
Fair Housing Enforcement and Capacity (Pgs. 19-21)	Add the Town’s process for receiving and referring fair housing complaints to Section 3.330: Fair Housing Enforcement and Outreach Capacity.	The element must still describe the Town’s process to refer fair housing complaints.	The response provided in Section 3.330 includes a summary of agencies outside of the Town where fair housing complaints are received, an acknowledgement and analysis regarding the Town’s absence of any complaints, and summary of outreach.	While the housing element includes a summary of fair housing enforcement and outreach capacity, it should describe any fair housing lawsuits and related enforcement actions. In addition, this section should address how outreach will occur throughout planning period.
Integration and Segregation (Pgs. 27-38)	<p>Expand the discussion on <u>race</u> and ethnicity in Atherton to include a comparison to the region. The element includes a chart for this purpose but no discussion. The discussion will also address any geographic concentrations of race and ethnicity.</p> <p>Expand the discussion on <u>persons with disabilities</u> to include a comparison of Atherton to the region.</p> <p>Expand the discussion to identify any geographic concentrations within the Town based on <u>familial status</u>. E.g. Identify any specific areas where single-person households, married-couple families and families with children are concentrated. With an acknowledgment of how</p>	<p>The element should analyze concentrations of <u>race</u> and <u>familial status</u> geographically within the Town as well as analyze the differences between the Town and the surrounding region.</p> <p>In addition, the element must provide a regional analysis on <u>disability</u> as well as analyze concentrations of <u>higher incomes</u> within the Town compared to broader surrounding areas.</p>	<p>The response in section 3.340 includes a discussion of <u>race</u> and ethnicity in Atherton, compared to San Mateo County, and a chart that includes the region. However, there is no discussion of the chart.</p> <p>The discussion on <u>persons with disabilities</u>, focuses on Atherton, with one reference to San Mateo County data.</p> <p>The discussion on <u>familial status</u> includes a quantifiable comparison of the Town to San Mateo County and the Region.</p> <p>The discussing compares the Town’s concentration of high <u>incomes</u> and absence of concentrated poverty to the county as</p>	<p>The element provided some data regarding segregation and integration, but it should also describe concentrations of <u>race</u> both locally and regionally (i.e., geographically within the Town, as well as comparing the Town to the region).</p> <p>In addition, the element must discuss and analyze data on <u>persons with disabilities</u> regionally and over time.</p> <p>The element must describe and analyze concentrations of <u>familial status</u> both locally and regionally.</p> <p>Lastly, the element must describe what contributes to the high <u>incomes</u> geographically</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
	<p>those trends may be similar to the County and/or region.</p> <p>Expand the discussion of household <u>incomes</u> and contributing factors to include references to the low-income housing and density in the broader surrounding areas (Unincorporated San Mateo County, Redwood City, Menlo Park and Woodside)</p>		<p>percentages and provides an analysis of factors contributing to that outcome (availability of low-income housing and single-family zoning).</p>	
Affirmatively Furthering Fair Housing (AFFH) and Site Inventory (Pgs. 65, 68-80)	<p>Revise Section 3.370: Site Inventory Analysis to analyze how the distribution of the units from the housing opportunity sites, including units resulting from the ADU strategy, may contribute to or mitigate fair housing issues identified throughout Atherton’s Fair Housing Assessment (Section 3.300).</p> <p>If the opportunity sites are found to exacerbate conditions or isolate the RHNA by income group, provide recommended revisions to the 2023-31 Housing Element.</p>	<p>The element was not revised to address this finding. Please see HCD’s prior review for additional information.</p>	<p>Section 3.370: Site Inventory Analysis addresses the presence of any Racially/Ethnically Concentrated Area of Poverty (R/ECAP) or edge R/ECAPs within the Town and the County. The section also references the inventory of identified opportunity sites included in the Housing Element as Appendix 5 and further discussion in Section 3.410: Inventory of Sites Suitable for Residential Development.</p> <p>Section 3.416: Zoning Appropriate to Accommodate the Development of Housing Affordable to Lower Income Households (pgs. 78-80) includes the most specific discussion of the number of affordable units anticipated by the site analysis. However, this does not include a reference to any conditions identified in Atherton’s Fair Housing Assessment (Section 3.300).</p>	<p>While the element includes a summary of fair housing related to the sites inventory, it must analyze how the identified sites contribute to or mitigate fair housing issues.</p> <p>An analysis should address all of the income categories of identified sites with respect to location, the number of units by all income groups and how that affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity).</p> <p>This analysis should specifically address whether the ADU strategy to accommodate lower-income households contributes to continued exclusion and disparities in access to opportunity.</p> <p>If sites exacerbate conditions or isolates the RHNA by income group, the element should identify further program actions (not limited to the RHNA) that will be taken to promote equitable quality of life throughout the community (e.g., housing mobility and new opportunities in higher resource areas).</p>
Local Data and Knowledge and Other Relevant Factors (Pg. 26)	<p>Revise this section to focus the narrative specifically on patterns of socio-economic considerations that derive from zoning and other land use practices. Provide reference to programs that mitigate related AFFH issues.</p>	<p>The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the Town related to fair housing issues.</p> <p>This analysis should complement state and federal data to better understand the patterns of socio-economic concentrations and formulate appropriate policies and programs. For example,</p>	<p>Section 3.330: Fair Housing Enforcement and Outreach Capacity includes a discussion titled “Local Data and Knowledge” that attributes the Town’s demographics to the region’s history.</p> <p>A specific example is provided in the continued disinvestment and urban renewal in surrounding areas, such as East Palo Alto. The discussion proceeds with a summary of redistricting for the</p>	<p>The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the Town related to fair housing issues.</p> <p>The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
		the analysis should address the history of zoning and land use and impacts on fair housing issues. Please see HCD’s prior review for additional information.	Menlo-Atherton High School attendance area and the subsequent race riots that occurred on the high school campus, which is located in Atherton. The section then correlates housing and educational boundaries. There is also discussion related to the influence of Atherton’s zoning policy on student demographics at the high-school. The section cites one reference.	local and regional advocates and service providers, Town staff and related local and county planning documents and should include an analysis of the history of exclusionary zoning in the Town.
Contributing Factors to Fair Housing Issues (Pgs. 65-66)	Pending completion of the analysis requested above, revise Section 3.380: Contributing Factors and Fair Housing Action to include any additional contributing factors to fair housing issues.	Based on the outcomes of a complete analysis, The element must re-assess and prioritize contributing factors to fair housing issues and formulate appropriate policies and programs.	Section 3.380: Contributing Factors and Fair Housing Action lists three factors contributing to fair housing within Atherton: the high cost of land acquisition, zoning primarily for single family homes, and little affordable housing for those with moderate and low income who work in the town, other than ADUs and housing at local school sites. The discussion in this section also includes a strategy for each factor.	Based on the outcomes of a complete analysis, the element should re-assess contributing factors and particularly prioritize those factors then formulate appropriate policies and programs. Currently the element only includes one contributing factor. The element should address potential contributing factors such as barriers like exclusionary zoning or a lack of state and federally funded developments. Once additional factors are identified, they should then be prioritized.
Extremely Low-Income (ELI) Households (Pgs. 7-11, 50-51)	Revise Section 3.211 to analyze the number of existing ELI households. See the discussion of Special Housing Needs (pg. 11) for examples. Include tenure in this analysis. Revise Section 3.360 to include a discussion of ELI households’ housing needs.	While the element was revised to quantify the total number of existing ELI households, it must still analyze their housing needs such as examining tenure (i.e., renter and owner). Please see HCD’s prior review for additional information.	Section 3.211: Summary of Key Facts includes the percentage of lower income households in the Town that are considered extremely low income (earning less than 30% of AMI). Section 3.360: Disparate Housing Needs includes a discussion of housing needs rental affordability in Atherton; however, this discussion does not specifically analyze the needs of ELI households.	The element must quantify the number of existing and projected ELI households, and also analyze their housing needs. The analysis of ELI housing needs should also evaluate ELI households by tenure.
Overpayment (Pgs. 51-56)	Revise Section 3.360: Disparate Housing Needs to expand the discussion of cost burden and severe cost burden to include an analysis of overpayment based on tenure at each AMI income level.	While the element was revised to quantify the total number of households overpaying by tenure, it must quantify and analyze the number of lower income households overpaying by tenure (i.e., renter and owner).	Section 3.360: Disparate Housing Needs includes a discussion of cost burden (overpayment) and severe cost burden, as well as a chart indicating the percent of households cost burdened by income level. There is also a quantified analysis of overpayment based on tenure; however, this analysis does not compare tenure at each AMI income level.	The element must quantify and analyze overpayment by tenure (i.e., renter and owner), for both the overall population and lower-income households.

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
Housing Cost (Pgs. 9 and 50)	Provide source for median rent data in Section 3.211 and supplement rent information with in both Section 3.211 and 3.360 with sources that provide a range of rents. (I.e. rents for a studio, 1-bedroom, 2-bedroom, or full house)	This element did not address this finding, please see HCD’s prior review for additional information.	<p>Section 3.211: Summary of Key Facts includes a discussion of ‘Home Prices and Rents’ in the Town. This includes an average sales price from the San Mateo Association of REALTORS Annual Reports 2010-2020 and a median rent (source not identified).</p> <p>Section 3.360: Disparate Housing Needs also includes a discussion of housing ownership and rental prices on pg. 50. This includes references to the Zillow home value index and a point-in-time Google search that found no home for rent under \$5,000 per month.</p>	While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., local knowledge).
Sites Inventory (Pgs. 69-70, 130 and Appendix 5: Electronic Housing Element Site Inventory Form)	<p>Staff believes this item has been appropriately addressed and will follow up with the contact at HCD to better understand any missing analysis.</p> <p>A summary tally of the sites inventory may be added to Section 3.410 to provide future clarification.</p> <p>Section 3.813: Multifamily Housing Development on School Properties may need revision to align with the unit counts in the site inventory and analysis.</p>	The element was not revised to address this finding. Please see HCD’s prior review for additional information.	<p>The Electronic Housing Element Site Inventory Form is included in the adopted 2023-31 Housing Element as Appendix 5. Each site identified in the inventory includes a general plan designation.</p> <p>The Housing Element includes two areas with discussion of the site inventory. Section 3.370: Site Inventory Analysis addresses the proximity of Racially/Ethnically Concentrated Areas of Poverty (R/ECAP) or edge R/ECAPs to the Town. Section 3.410: Inventory of Sites Suitable for Residential Development identifies parcel-specific sites, programs, constraints, etc. to achieve the Town’s housing goals.</p> <p>The school sites listed in this discussion include: Menlo College (1000 El Camino Real), Menlo School (50 Valparaiso Avenue), Sacred Heart (150 Valparaiso Avenue), Menlo-Atherton High School, Laurel School Lower Campus, Encinal School, Las Lomitas School, and Adelante Selby Spanish Immersion School.</p> <p>Both Menlo College and Menlo School are included in the Appendix 5 inventory, with an estimated gain of 60 units and 20 units, respectively. The supplemental narrative provided in Section 3.411 indicates that Menlo College could support development of 60-90</p>	<p>While the sites inventory includes many requirements, it must include the general plan designation.</p> <p>Additionally, there are some discrepancies between cited sites and the inventory. For example, two of the school sites do not list any units in the inventory and the numbers in the inventory do not match what is stated in the analysis. Additional sites will likely need to be identified to accommodate the RHNA.</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
			units and Menlo School has two sites that could support development of 20-25 units. However, Section 3.813: Multifamily Housing Development on School Properties indicates that Menlo College and Menlo School could provide 60 and 49 units, respectively.	
Realistic Capacity (Pgs. 68-72, and 78)	Provide a new section specifically to address realistic capacity and resource availability for each housing strategy.	<p>While the element states the number of units assumed to develop on each site, it must describe assumptions for the calculation of residential capacity on identified sites included in the inventory and must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions.</p> <p>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>Section 3.411: Parcel-specific List of Available Sites identifies specific approaches to meeting the Town’s housing goals. This includes Multi-family rezoning at 23 Oakwood, Menlo College (1000 El Camino Real), Menlo School (50 Valparaiso Avenue), and Sacred Heart (150 Valparaiso Avenue). While each site includes a discussion of total unit yield, there are no assumptions provided to support those amounts.</p> <p>Section 3.416: Zoning Appropriate to Accommodate the Development of Housing Affordable to Lower Income Households provides some discussion of assumptions for estimating unit yield for lower income units. However, this does not include analysis of the availability and accessibility of sufficient water, sewer and dry utilities.</p>	<p>The element must provide assumptions for the calculation of residential capacity on identified sites included in the inventory and must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions.</p> <p>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>
Small and Large Sites (Pgs. 68-72, Appendix 5: Electronic Housing Element Site Inventory Form)	<p>Expand the discussion in Section 3.411: Parcel-specific List of Available Sites to address the scale of development at Menlo College and Menlo School, relative to the 10-acre threshold.</p> <p>Address the half-acre and 10-acre thresholds, relative to the Town’s other housing programs and the inventory’s broad compliance with the exception of two market rate units anticipated at 383 Walsh Road. Provide analysis to support the inventory.</p>	<p>Sites smaller than a half-acre and larger than ten acres 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 and large sites but also should evaluate whether those sites are suitable to accommodate housing for lower-income households and add or modify programs as appropriate.</p> <p>For example, the element could list past consolidations by the number of parcels, number</p>	<p>The Electronic Housing Element Site Inventory Form is included in the adopted 2023-31 Housing Element as Appendix 5. All sites included on the inventory are greater than a half-acre in size; however, three sites exceed 10 acres. These sites include 1000 El Camino Real (Menlo College), 50 Valparaiso (Menlo School) and 383 Walsh Road (Private Residence).</p> <p>Section 3.411: Parcel-specific List of Available Sites includes a discussion of potential multi-family development at Menlo College and Menlo School and references the size of the development footprint for each area considered for future housing. However, a reference to HCD’s 10-acre threshold is not specifically addressed. Additionally, there is no discussion specific to the property at 383 Walsh Road.</p>	<p>Sites smaller than a half-acre and larger than ten acres 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 and large sites but also should evaluate whether those sites are suitable to accommodate housing for lower-income households and add or modify programs as appropriate.</p> <p>For example, the element could list past consolidations by the number of parcels, number</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
		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.		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.
Zoning for Lower-Income Households (Pgs. 68-72, 119, 123-125)	<p>Revise Section 3.411: Parcel-specific List of Available Sites to include an analysis based on statutory factors that the anticipated lower income units are feasible.</p> <p>Clarify in Section 3.810: New Construction, Conservation and Rehabilitation how the 23 Oakwood development will provide “very low-income” units when the description of the Inclusionary Housing Ordinance requirement is for “lower incomes.”</p>	<p>While some school sites were revised to state they will be rezoned to allow 20 dwelling units per acre, it is also assumed affordable units will be developed on a site that will be rezoned for up to 10 dwelling units per acre.</p> <p>The element must demonstrate zoning appropriate to accommodate housing for lower income households. For sites with zoning meeting specified densities or default densities (20 units per acre in Atherton), no analysis is required. Otherwise, the element must include analysis based on statutory factors, including but not limited to financial feasibility and experience within the zone.</p>	<p>Section 3.411: Parcel-specific List of Available Sites identifies the density for the Menlo College, Menlo School and Sacred Heart sites at 20 dwelling units per acre, and the multi-family rezoning at 23 Oakwood at 10 dwelling units per acre.</p> <p>Section 3.810: New Construction, Conservation and Rehabilitation anticipates four very low-income units developed at 23 Oakwood, pursuant to the Town’s adoption of an Inclusionary Housing Ordinance to restrict 20 percent of the new units as affordable to lower incomes. This assumed unit count is without any density bonus.</p>	<p>The element must demonstrate zoning appropriate to accommodate housing for lower-income households. For sites with zoning meeting specified densities or default densities (20 units per acre in Atherton), no analysis is required. Otherwise, the element must include analysis based on statutory factors, including but not limited to financial feasibility and experience within the zone</p>
Suitability of Nonvacant Sites (Pgs. 68-72)	<p>Supplement the discussion in Section 3.411: Parcel-specific List of Available Sites with an analysis of the feasibility of future housing development with existing uses, as requested by HCD.</p>	<p>While the element was revised to remove the CalWater site, the element must still demonstrate the potential for redevelopment on nonvacant sites listed in the inventory. The element must include an analysis demonstrating the potential for additional development on nonvacant sites. Specifically on the school sites and the 23 Oakwood site. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period.</p> <p>In addition, the element should analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as a private college, a school site, and existing single-family homes, but little analysis was provided to demonstrate whether these existing uses would impede development of these sites within the planning period.</p>	<p>Section 3.411: Parcel-specific List of Available Sites discusses the development potential at the 23 Oakwood, Menlo College, Menlo School and Sacred Heart sites. However, the analysis does not address how the proposed housing development would integrate into existing uses on-site.</p>	<p>While the element includes a description of the identified sites, it must include an analysis demonstrating the potential for additional development on nonvacant sites. Specifically additional details on the school sites and Cal Water site.</p> <p>The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period.</p> <p>In addition, the element should analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as a private college, a school site, and a reservoir site, but little analysis was provided to demonstrate whether these existing uses would impede development of these sites within the planning period.</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
		The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the Town and relate those trends to the sites identified. The element could also consider indicators such as age and condition of the existing structure expressed developer interest, existing versus allowable floor area, low improvement to land value ratio, and other factors.		The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the Town and relate those trends to the sites identified. The element could also consider indicators such as age and condition of the existing structure expressed developer interest, existing versus allowable floor area, low improvement to land value ratio, and other factors.
SB 9 Sites (Pgs. 73, 119-123)	<p>Modify Section 3.411: Parcel-specific List of Available Sites to direct readers to the analysis provided in Section 3.810: New Construction, Conservation and Rehabilitation, which includes a discussion of assumptions related to unit yields from SB 9 Subdivisions.</p> <p>Supplement this discussion with an analysis of the likelihood of redevelopment on each of the SB 9 sites that contribute to the 48 net new units. The analysis will include the identification of any existing uses, the likelihood of site-specific redevelopment, ease of subdivision, the condition of any existing structures, demonstration of interest from owners, and support for the site’s inclusion in the planning period.</p> <p>Recommendations for zoning and development standards and incentives may be included based on the analysis and the ability to identify additional sites within six months if assumptions are not met.</p>	<p>The element identifies SB 9 as a strategy to accommodate the part of the Town’s Regional Housing Needs Allocation (RHNA). To support these assumptions, the analysis must include experience, trends and market conditions that allow lot splits and missing middle uses.</p> <p>The analysis must list the potential SB 9 sites and demonstrate the likelihood of redevelopment, including whether existing uses constitute as an impediment for additional residential use.</p> <p>The analysis should describe how the Town determined eligible properties, whether the assumed lots will have turnover, if the properties are easy to subdivide, and the condition of the existing structures.</p> <p>The analysis should also describe interest from property owners as well as experience.</p> <p>The element must also clarify whether the SB 9 sites listed in Table HE-13 are included in the projections for the planning period. If they are included as part of the sites inventory, it must describe the status of the projects beyond pending or project approval to demonstrate feasibility during the planning period.</p>	<p>Section 3.411: Parcel-specific List of Available Sites includes a discussion of “Underutilized Parcels (Further Subdivision and/or SB 9 Subdivision)” and identifies 60 parcels within the Town improved with single-family homes. These 60 parcels meet the criteria to pursue an SB 9 Subdivision and yield 91 net new dwelling units.</p> <p>Under the allowable provisions of SB 9, each of the 60 parcels could be split further, yielding a total of 91-242 dwelling units.</p> <p>The Town projects it will net 48 new above moderate-income units from traditional and SB 9 lot splits. This is also stated in Table HE-12, in Section 3.810: New Construction, Conservation and Rehabilitation. This section also includes a summary of SB 9 and asserts the Town’s assumptions that SB 9 will be more common on lots of at least one acre in size and that contain an older residence, constructed pre-1970. The Town has 606 lots that meet these criteria.</p> <p>The Town indicated that in 2022 it received six SB 9 applications and an additional six inquiries; yielding up to 23 net new dwelling units. This is summarized in Table HE-13. Based on this trend, the Town assumes six net new dwelling units per</p>	<p>The element identifies SB 9 as a strategy to accommodate the part of the Town’s RHNA. To support these assumptions, the analysis must include experience, trends and market conditions that allow lot splits and missing middle uses.</p> <p>The analysis must list the potential SB 9 sites and demonstrate the likelihood of redevelopment, including whether existing uses constitute as an impediment for additional residential use.</p> <p>The analysis should describe how the Town determined eligible properties, whether the assumed lots will have turnover, if the properties are easy to subdivide, and the condition of the existing structures.</p> <p>The analysis should also describe interest from property owners as well as experience.</p> <p>The analysis should provide support for the units being developed within the planning period.</p> <p>Based on the outcomes of this analysis, the element should add or modify to establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development as well as monitor</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
		<p>The analysis should provide support for the units being developed within the planning period.</p> <p>Based on the outcomes of this analysis, the element should add or modify to establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development as well as monitor development every two years with and identify additional sites within six months if assumptions are not being met.</p>	<p>year during the planning period; resulting in up to 48 units.</p>	<p>development every two years with and identify additional sites within six months if assumptions are not being met. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9.</p>
Publicly Owned Sites (Pgs. 68-73, and 119)	Staff believes this item has been appropriately addressed and will follow up with the contact at HCD to better understand any missing analysis.	The element was not revised to address this finding. Please see HCD’s prior review for additional information.	<p>Table HE-12: Summary of Projected Dwelling Units in Section 3.810: New Construction, Conservation and Rehabilitation indicates that the PFS sites included in the RHNA accommodation are private schools.</p> <p>Additionally, Section 3.411: Parcel-specific List of Available Sites, identifies Menlo College, Menlo School and Sacred Heart as private schools and indicates that the Cal Water Bear Gulch Reservoir site is not included in the RHNA accommodation.</p>	<p>The element identifies multiple publicly-owned sites including the Public Facilities and Schools District, the Menlo School, and Cal Water Bear Gulch Reservoir sites. The element must include additional discussion on each of the publicly-owned sites identified to accommodate the RHNA.</p> <p>Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, the housing element, where appropriate, must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.</p>
Accessory Dwelling Units (ADU) (Pgs. 78-79, 125-127, 131, 138)	Staff believes there is extensive justification for the Town’s projection of 35 ADUs per year over the eight-year planning period. However, staff anticipates that the trends relative to the production of ADUs for lower incomes need further analysis to demonstrate this goal is achievable. Staff will coordinate with HCD to	While the element was revised to add a program to monitor ADU development in Section 3.845, it must commit to timing earlier in the planning period for additional incentives or sites to accommodate RHNA will be identified (i.e., within six months of monitoring).	Section 3.416: Zoning Appropriate to Accommodate the Development of Housing Affordable to Lower Income Households indicates a recent (past two years) uptick in ADU and Junior ADU (JADU) development that the Town attributes to recent local regulatory changes. The Town has also completed a recent	The element projects approximately 35 ADUs per year over the eight-year planning period. This trend is inconsistent with HCD records of 19 ADUs per year. To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year and reconcile trends with HCD records, including

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
	<p>further understand the revisions needed to address this comment.</p> <p>Modifications to Section 3.845: Accessory Dwelling Units Monitoring will commit to timing earlier in the planning period.</p>	<p>In addition, the ADU trends must still be reconciled with HCD records and projections should be rescaled based on recent trends. Please see HCD’s prior review for additional information.</p>	<p>community survey where 18 percent of responding households indicated an interest to construct an ADU within the planning period. This information underlies the Town’s assertion that 35 ADUs per year over the next 8 years is achievable.</p> <p>Section 3.812: New Construction of Affordable Accessory Dwelling Units also details an average of 35 ADU permits per year during the past three years of the 5th cycle housing element. The Town forecasts 280 new ADUs over the 6th cycle housing element planning period. The Town also forecasts that 168 ADUs will be available to lower income levels. The programs to ensure availability of ADUs to lower income households include: (H) A self-reported rent survey; (I) Coordination with a non-profit housing organization such as, but not limited to, HIP Housing to connect homeowners to prospective renters; (J) a comprehensive incentive ADU/JADU rental program and partnership with a non-project housing organization such as, but not limited to, HIP Housing to facilitate the rental advertising, screening and partnering process by December 31, 2023; and (L) make funds available from an affordable housing impact fee on single-family construction to provide very low-income rental assistance for eligible households identified by HIP Housing by July 1, 2024.</p> <p>Additionally, Section 3.814: Adoption of an Inclusionary Zoning Ordinance will require projects subject to the new inclusionary ordinance for multi-family and single-family housing will include an option to provide affordable deed restricted ADU or JADUs on-site in-lieu of paying the fee.</p> <p>Section 3.845: Accessory Dwelling Units Monitoring is a program that monitors permitted ADUs and affordability every other year and take appropriate action, including adjusting assumptions or rezoning within one year if the sites inventory is negatively impacted to ensure compliance with no net loss provisions.</p>	<p>additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate.</p> <p>Further, programs should commit to additional incentives and strategies, frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., six months) if needed.</p> <p>The element must also address affordability assumptions for ADU projections.</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
Infrastructure (Pgs. 77-78)	<p>Expand Section 3.415 to include an assessment of public sewer and dry utilities supply capacities ability to meet the demands of anticipated housing production during the 6th cycle.</p> <p>**This analysis will also be required for related California Environmental Quality Act (CEQA) review. **</p>	While the element was revised to provide additional information on water capacity, it must demonstrate sufficient sewer capacity beyond stating analysis is on a case-by-case basis or add programs to address the constraint. In addition, the element must analyze sufficient existing or planned dry utilities supply capacity.	<p>Section 3.415: Infrastructure Description provides a discussion of the Town’s infrastructure. The analysis indicates that all sites in Atherton are served by the public sewer system and indicates that the development review process would assess required improvements.</p> <p>This section also includes an analysis of water capacity and current services.</p> <p>The section does not discuss dry utilities supply capacity.</p>	The element must demonstrate sufficient existing or planned water, sewer, and other dry utilities supply capacity, including the availability and access to distribution facilities, to accommodate the RHNA.
Emergency Shelters (Pgs. 80 and 141)	<p>Align the discussions in Section 3.430: Identification of Adequate Sites for Emergency Shelters and Section 3.853: Emergency Shelters to connect the narrative to the program.</p> <p>Expand Section 3.430 to discuss available sites, acreage, typical parcel sizes and the presence of reuse opportunities, and any conditions inappropriate for human habitability. Include any additional parameters resulting from AB 2339, as necessary.</p>	<p>While the element was revised to add program 3.853, it must discuss available sites, acreage, including typical parcel sizes and the presence of reuse opportunities, and any conditions inappropriate for human habitability.</p> <p>Please be aware Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity.</p> <p>Future submittals of the housing element may need to address these statutory requirements. For additional information and timing requirements, please see HCD’s memo at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf</p>	<p>Section 3.430: Identification of Adequate Sites for Emergency Shelters describes the Town’s actions to allow for emergency shelters as a principally permitted use in the PFS (Public Facilities and Schools) Zoning District.</p> <p>Section 3.853: Emergency Shelters asserts that the Town will amend its zoning code to comply with all provisions of State law pertaining to emergency shelters within one year of Housing Element certification.</p>	<p>The element should clarify shelters are permitted without discretionary action and discuss available sites, acreage, including typical parcel sizes and the presence of reuse opportunities, proximity to transportation and services and any conditions inappropriate for human habitability.</p> <p>The analysis should also list and evaluate all development standards and address the constraints on spacing and shelter size with a program.</p> <p>Finally, 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.</p>
Multifamily Housing	<p>Expand Section 3.411: Parcel-specific List of Available Sites to identify all codified requirements for a multi-family development to proceed by-right in the PFS Zoning District. This includes any discretionary items subject to Planning Commission review.</p> <p>** The Town is currently considering alternative multi-family housing sites and the scale of the multi-family overlay district. Any modifications will result in revisions to the Housing Element. **</p>	<p>While the element includes a program to create a new zone to allow ten dwelling units per acre, HCD understands that the zone only applies to one site and is limited to accommodating fewer units than the RHNA.</p> <p>The element should consider applying the new zone to additional areas to better promote a variety of housing types, specifically multifamily and supportive housing. In addition, the PFS zone requires a conditional use permit (CUP) and a master plan. The element must analyze and</p>	Section 3.411 Parcel-specific List of Available Sites discusses anticipated multi-family development at the 23 Oakwood, Menlo College, Menlo School and Sacred Heart sites. Included in the discussion of the school sites is acknowledgement that the existing PFS zoning requires a conditional use permit for residential uses and allows multi-family residential uses by right (with the provision of very low and low-income units), subject to Planning Commission review of the location, size, proximity to heritage trees and environmental aspects of the project.	<p>The element states that multifamily housing is allowed only in PFS zone with a Conditional Use Permit (CUP) and master plan. The element must analyze and demonstrate realistic opportunities for multifamily and analyze the CUP requirement for multifamily as a potential constraint on housing supply and affordability.</p> <p>The analysis should identify findings of approval for the CUP and their potential impact on development approval certainty, timing, feasibility and cost.</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
		demonstrate realistic opportunities for multifamily and analyze the CUP requirement for multifamily as a potential constraint on housing supply, cost, feasibility and approval certainty. The analysis should identify findings of approval for the CUP and their potential impact on development approval certainty, timing, feasibility and cost.		
Land Use Controls (Pgs. 82-84)	Revise Section 3.511: Land Use Controls to provide clarification on the intended re-zoning as either an overlay on the PFS site OR a modification to the PFS zoning standards.	While the element was revised to state four stories will be allowed in the PFS zone, the element did not address HCD’s findings on 34-foot height restrictions, setbacks, and lot coverage, as well as parking. Please see HCD’s prior review for additional information.	<p>Section 3.511: Land Use Controls identifies and analyzes government constraints within the Town’s General Plan and Zoning Ordinance. This section also includes Table HE-4: Atherton’s Zoning Categories and Standards that lists the physical development standards for each zoning district.</p> <p>The analysis states that the Town will allow development up to 40 feet in height with adequate setbacks to accommodate the development and subject to objective design standards in two new multi-family zoning districts. However, it is not directly stated that one of these two new zoning districts is an overlay onto the school sites in the PFS Zoning District.</p>	<p>The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types.</p> <p>The analysis should analyze land use controls independently and cumulatively with other land use controls.</p> <p>The analysis should specifically address requirements related to parking, heights, lot coverage and allowable density ranges.</p> <p>The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities. For example, the element should describe allowed uses and typical densities in the PFS zone.</p> <p>In addition, the element notes that zones include a 34-foot height restriction, the element should clarify whether three stories are allowed in zones that allow multifamily or add a program to address the constraint. The required setbacks and maximum lot coverage requirements should also be analyzed as a constraint in the PFS zone.</p> <p>Lastly, the element states that low allowable densities are a constraint on housing; the element should include a program to mitigate the identified constraint.</p>
Fees and Exaction (Pgs. 85-92)	Staff will contact HCD to consider how to estimate fees for analysis and identification of any potential constraints.	While the element provides a cumulative analysis of fees for single family developments, it should also provide this analysis for multifamily developments.	Section 3.514: Fees and Exactions addresses constraints to housing that result from fees and permit processing.	While the element provides a cumulative analysis of fees for single family developments, it should also provide this analysis for multifamily developments.

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
		In addition, the element should list all the various planning and impact fees associated with development, including but not limited to general plan amendments, zone changes, site plan or master plans, specific plans, environmental fees, and water/sewer fees.	Since Atherton currently does not have any multi-family projects this section indicated that there was no available data to include.	In addition, the element should list all the various planning and impact fees associated with development, including but not limited to general plan amendments, zone changes, site plan or master plans, specific plans, environmental fees, and water/sewer fees.
Local Processing and Permit Procedures (Pgs. 93-95)	Expand Section 3.515: Processing and Permit Procedures to detail the CUP process, findings and master planning requirements. Identify any constraints that may delay construction of housing units and consider revising the Housing Element accordingly.	<p>While the element was revised to state design review is not required, the analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability. For example, the element must describe the CUP findings and procedures as well as describe master plan review requirements for multifamily development and analyze these as constraints on housing development.</p> <p>Based on the outcomes of the analysis, the element should add or modify programs to streamline approval of multifamily housing and promote approval certainty.</p>	Section 3.515: Processing and Permit Procedures includes the discussion and analysis of constraints on housing development incurred from permit processing. A general description of the CUP process is provided; however it does not identify required findings or the master plan review requirements for multifamily development.	<p>While the element describes some of the use permit procedures, it must further describe and analyze the Town's permit processing and approval procedures by zone and housing type.</p> <p>The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability. For example, the element should clarify whether design review is required.</p> <p>In addition, the element must describe the CUP findings and procedures as well as describe master plan review requirements for multifamily development and analyze these as constraints on housing development.</p> <p>Based on the outcomes of the analysis, the element should add or modify programs to streamline approval of multifamily housing and promote</p>
Local Ordinances (Pgs. 82-96)	Add a new section to identify any local ordinances that may constrain housing production.	The element was not revised to address this finding, please see HCD's prior review for additional information.	Section 3.510: Governmental Constraints Analysis identifies several potential sources for governmental constraints to the production of housing. However, the discussion of local ordinances is limited to the Zoning Ordinance.	The element must analyze any locally adopted ordinances that directly impacts the cost and supply of residential development. While the element states that the Town has a short-term rental ordinance, it should be analyzed for constraints on housing development.
Streamlining Provisions (Pgs. 93-95)	Revise Section 3.515: Processing and Permit Procedures to indicate if the Town has an Affordable Housing Streamlining process. If the Town does not have any SB-35 eligible sites, this should be noted.	The element was not revised to address this finding, please see HCD's prior review for additional information.	Section 3.515: Processing and Permit Procedures includes the discussion and analysis of constraints on housing development incurred from permit processing. As part of this discussion the Town identifies all housing permitting processes. This analysis does not reference an affordable housing streamlining process, which is required for projects eligible pursuant to	The element must clarify whether the Town has procedures in place consistent with streamlining procedures pursuant to Government Code section 65913.4 and include programs as appropriate.

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
			Government Code section 65913.4, more commonly referred to as SB 35.	
Constraints on Housing for Persons with Disabilities (Pgs. 95-96, 133)	Confirm with HCD that the analysis provided is appropriate and modify Section 3.822: Disabled and Developmentally Delayed Persons to align with the intent stated in Section 3.516: Constraints on Persons with Disabilities.	While the element states that the Town has a reasonable accommodation procedure, it must describe and analyze the findings and approval procedure.	<p>Section 3.516: Constraints on Persons with Disabilities includes the discussion and analysis of constraints on housing for persons with disabilities. This section identifies the Town’s reasonable accommodation process. It also indicates an intent to modify language within Municipal Code Chapter 17.17 to remove any potential discretionary review from the Planning Commission for such requires and to specify all such requests shall be approved administratively by the Town Planner.</p> <p>Section 3.822: Disabled and Developmentally Delayed Persons includes a reference to the Town’s municipal code process for reasonable accommodation; however, it does not indicate any intent to modify the approval process.</p>	<p>The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities.</p> <p>For example, the element must describe the findings and approval procedure for the Town’s Reasonable Accommodation procedure.</p> <p>In addition, the element must describe and analyze how group homes for seven or more are allowed within the Town and add programs as appropriate.</p> <p>For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses.</p> <p>These housing types should not be excluded from residential zones, most notably low- density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or CUP could potentially subject housing for persons with disabilities to higher discretionary exceptions processes and standards where an applicant must, for example, demonstrate compatibility with the neighborhood, unlike other residential uses. The element should add or modify programs to address the constraint.</p>
Approval Time and Requests for Lesser Densities (Pgs. 93-95)	Expand Section 3.515: Processing and Permit Procedures to identify any requests to develop housing below the density allowed on PFS sites. It should also be noted that the other zoning districts only permit single-family zoning and therefore lower density requests are not applicable. However, the Town can provide	The element was not revised to address this finding, please see HCD’s prior review for additional information.	Section 3.515: Processing and Permit Procedures includes the discussion and analysis of constraints on housing development incurred from permit processing. This section indicates that staff routinely provides first round plan review comments within 10-working days and follow-up comments within 5-working days.	The element must include analysis of requests to develop housing at densities below those identified, the length of time between receiving approval for a housing development and submittal of an application for building permits.

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
	<p>information on the number of residential lot merger applications or inquiries, as a merger would result in less density and present a constraint through the need to subdivide the merged lots to regain the density loss.</p> <p>Additionally, provide the length of time between receiving approval for a housing development and submittal of an application for building permits. If a planning entitlement and building permit can be submitted at the same time, that should be indicated.</p>			The element must address any hinderance on the construction of a locality’s share of the regional housing need.
Special Needs (Pg. 11)	Expand Section 3.211 to include a complete analysis of each special housing needs group. Specify the number of persons experiencing homelessness in the Town.	While the element was revised to add some data on the Town’s special needs populations, it must include an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. In addition, the element must quantify and analyze the number of persons experiencing homelessness in the Town.	Section 3.211: Summary of Key Facts includes a discussion of Special Housing Needs that identifies individuals with disabilities, seniors, large households, and female-headed families, as populations with special housing needs in the Town.	<p>While the element quantifies the Town’s special needs populations, it must also analyze their special housing needs.</p> <p>For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (e.g., availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. In addition, the element must quantify and analyze the number of large households, elderly persons, and persons experiencing homelessness in the Town.</p>
Program 3.814 (Adoption of an Inclusionary Zoning Ordinance) (Pgs. 125-128 and 131)	<p>Analyze potential constraints related to this program and include in the discussion of Section 3.510 Governmental Constraints Analysis and Section 3.814: Adoption of an Inclusionary Zoning Ordinance.</p> <p>Discuss the parameters of Section 3.812: New Construction of Affordable Accessory Dwelling Units with HCD to confirm it achieves the analysis and outreach efforts in the comment letter.</p>	<p>While the program commits to create an inclusionary ordinance, it should also commit to ensure the requirement is not a constraint.</p> <p>In addition, the program should be revised to analyze the ADU and Junior ADU (JADU) requirements and make adjustments as appropriate. Lastly, the program should include proactive outreach.</p>	Section 3.814: Adoption of an Inclusionary Zoning Ordinance indicates that the fee will provide an option to provide affordable deed restricted ADU or JADU on-site in-lieu of paying the fee.	The element should include additional information on the inclusionary fee and include a specific date of implementation.
Program 3.815 (Conservation and	Expand Section 3.815: Conservation and Rehabilitation of Existing Units to clarify if the Town will offer related incentives and if/how the	The program should clarify whether the Town will provide incentives and commit to proactive outreach.	Section 3.815: Conservation and Rehabilitation of Existing Units asserts the Town’s commitment	The program should specify what actions will be taken and clarify how the Town will assist property owners.

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
Rehabilitation of Existing Units) (Pgs. 131-132)	Town will provide proactive outreach to property owners to expand awareness of the program.		to assisting property owners in the rehabilitation process.	
Program 3.823 (Equal Housing Opportunity) (Pgs. 134-135)	Modify Section 3.823: Equal Housing Opportunity timeframes to assert specific dates. E.g. Ongoing, January 2027, or June 2024.	The program should be revised to include a specific implementation date as well as how the program will be structured and provide measurable outcomes.	Section 3.823: Equal Housing Opportunity identifies seven actions to achieve equal housing opportunity goals. Timeframes are listed for each action item. E.g. “ongoing,” “within three years of Housing Element certification,” or “within six months of Housing Element certification.”	The program should include implementation timing for each action listed as well as how often outreach will occur during the planning period.
Program 3.824 (Emergency Shelters, Transitional and Supportive Housing) (Pgs. 80, 135 and 141)	Reconcile the discrepancies between Section 3.824: Emergency Shelters, Transitional and Supportive Housing, Section 3.430: Identification of Adequate Sites for Emergency Shelters, and Section 3.853: Emergency Shelters.	The program must include clear actions for implementation as well as specific timing.	<p>Section 3.824: Emergency Shelters, Transitional and Supportive Housing indicates that the Town will continue to support the possibility of Emergency Shelters, Transitional Housing, and Supportive Housing. This section also identifies emergency shelters as a permitted use on the Town Civic Center Property. The Town commits to this program on an ongoing basis.</p> <p>However, the information above conflicts with other references to Emergency Shelters in the Housing Element:</p> <p>Section 3.430: Identification of Adequate Sites for Emergency Shelters describes the Town’s actions to allow for emergency shelters as a principally permitted use in the PFS (Public Facilities and Schools) Zoning District.</p> <p>Section 3.853: Emergency Shelters asserts that the Town will amend its zoning code to comply with all provisions of State law pertaining to emergency shelters within one year of Housing Element certification.</p>	The programs must include clear actions for implementation as well as specific timing.
Program 3.841 (Shared Housing) (Pg. 137)	Revise Section 3.841: Shared Housing to identify proactive outreach approaches in coordination with HIP, identifying how the Town may directly support this effort.	The program should include proactive outreach and describe how the Town will provide support. This program is important to promote housing choice and opportunity in highest resource areas.	Section 3.841: Shared Housing indicates the Town’s continued support for the Human Investment Program (HIP), a non-profit organization that matches people needing housing and people owning a home who desire additional income and/or companionship. The Town will make information about the Home Sharing program available at Town Hall and will publicize the effort on the Town’s website. The Town will also mail information on the program	The program should be revised to include specific timing, identify a responsible party, funding, and objective. In addition, the program should include proactive outreach and describe how the Town will provide the identified support.

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
			to all property owners in Town. Community outreach will be done by December 31, 2023 and annually thereafter.	
Program 3.813 (Multifamily Housing Development on School and Other Properties) (Pgs. 128-131)	<p>Revisit discussion of multifamily zoning throughout the entirety of the Housing Element as there appears to be internal conflicts with the described permitting process and need for further rezoning.</p> <p>If rezoning is necessary, revise the timeframe for Section 3.813: Multifamily Housing Development on School and Other Properties to meet Government Code section 65583.2.</p>	<p>This program should be revised to include specific incentives for implementation.</p> <p>In addition, since rezoning was not completed prior to the start of the planning period (January 31, 2023), any rezoning necessary to accommodate the lower-income RHNA must address all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i).</p>	<p>Section 3.813: Multifamily Housing Development on School Properties identifies eight school sites with potential for housing development and within the PFS Zoning District.</p> <p>The PFS Zoning District allows multifamily residential uses that could accommodate housing for very low- and low-income households associated with primary nonresidential use of property on the same site.</p> <p>This section also identifies the potential to rezone adjacent sites to the schools from single-family to PFS.</p>	<p>This program should be revised to include specific incentives for implementation and clarify what actions will be completed as part of the program.</p> <p>In addition, the element must commit to the rezones and discuss the densities that will be allowed with the rezone. The program currently references timing associated with adoption of the element.</p> <p>The Town should be aware that if the adoption is not complete by the start of the planning period (January 31, 2023), the Town will be subject to right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i).</p>
Shortfall of Adequate Sites (Pg. 119)	<p>To ensure that the Housing Element will accommodate the RHNA target, with buffer, Staff recommends the following:</p> <ul style="list-style-type: none"> - Evaluate the trends supporting the availability of ADUs at lower-income levels - Complete and update the analysis of SB 9 Lot Splits - Continue to explore alternative multifamily housing opportunity sites through Council discussions 	<p>The element does not identify adequate sites to accommodate the regional housing need for lower-income households and; therefore, must include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period.</p> <p>The program should identify the shortfall by income group, acreage, allowable densities, appropriate development standards and meet all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i), including but not limited to permitting multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households.</p>	<p>Table HE-12: Summary of Projected Dwelling Units in Section 3.810: New Construction, Conservation and Rehabilitation identifies the total unit yield by income level of the Town's Housing Element. This table achieves the RHNA amount of units, with the recommended buffer through the following programs:</p> <ul style="list-style-type: none"> - Accessory Dwelling Units - SB 9 Lot Splits - Vacant Site development - RM 10 Multifamily Zoning (23 Oakwood) - PFS Multifamily Zoning (Private Schools) 	<p>If the element does not identify adequate sites to accommodate the regional housing need for lower-income households, it must include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period.</p> <p>The program should identify the shortfall by income group, acreage, allowable densities, appropriate development standards and meet all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i), including but not limited to permitting multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower income households.</p>
Replacement Housing Requirements (Pgs. 140-141)	<p>Modify Section 3.851: Replacement Housing Requirements to include a specific implementation date.</p>	<p>While the element was revised to include Program 3.851, it must include a specific implementation date.</p>	<p>Section 3.851: Replacement Housing Requirements indicates that the Town will require replacement housing for lower-income units with the same requirements as set forth in Government Code Section 65915, subdivision (c), paragraph (3). The timeframe for this action is listed as ongoing.</p>	<p>The housing element must include a program to provide replacement housing. (Gov. Code, § 65583.2, subd. (g)(3).) The replacement housing program must adhere to the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
Programming for ELI and Special Needs Households (Pgs. 132-133)	Complete the requested review of the 5 th Cycle Housing Element program performance and the needs assessment of ELI and special housing needs populations, as indicated previously in this table. Recommend programs based on this analysis. Additionally, review all current programs to ensure those that facilitate housing for special population groups are indicated appropriately.	<p>The element must include a program(s) with specific actions and timelines to assist in the development of housing for ELI households.</p> <p>The program(s) could commit the Town to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to ELI households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers.</p> <p>In addition, the element must also include a program(s), as appropriate, to assist in the development of housing for all special needs households (e.g., elderly, homeless, farmworkers, persons with disabilities, female-headed households). While the element includes programs to assist seniors and persons with disabilities, it must include programs for all special needs households. Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.</p>	<p>Section 3.821: Seniors and Section 3.822: Disabled and Developmentally Delayed Persons include actions intended to address special housing needs.</p> <p>However, there are no programs identified in the Housing Element specific to ELI households and other groups identified as special populations.</p>	<p>The element must include a program(s) with specific actions and timelines to assist in the development of housing for extremely low-income households.</p> <p>The program(s) could commit the Town to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers.</p> <p>In addition, the element must also include a program(s), as appropriate, to assist in the development of housing for all special needs households (e.g., elderly, homeless, farmworkers, persons with disabilities, female-headed households). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.</p>
Governmental and Nongovernmental Constraints (Pgs. 82-99)	<p>Modify Section 3.500 Constraints on Housing as discussed in this table.</p> <p>Confirm with HCD that no other specific items were meant to be included in the comment, as the sentence drops off.</p>	As noted in Findings B5 and B6, 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.	Section 3.500 Constraints on Housing identifies and analyzes various governmental and nongovernmental constraints. Some of these topics, as described in this table require further refinement.	As noted in Findings B5 and B6, 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. In addition, the element should be revised as follows: (nothing follows in the letter).
Program 3.850: Group Housing (Pg. 140)	Modify Section 3.850: Group Homes for Persons with Disabilities to expand the program to other types of households/residents.	While the element was revised to allow group homes for seven or more residents in areas allowing residential uses, the program is limited to persons with disabilities. The program must be revised to allow all group homes for seven or	Section 3.850: Group Homes for Persons with Disabilities indicates the Town’s intent to revise the zoning code to allow group homes for seven or more residents, specifically for people with disabilities, as a permitted use in any district	N/A

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
		more residents as well as commit to objectivity with approval certainty.	where residential uses are permitted. This modification to the zoning code would occur one year from Housing Element certification.	
AFFH	Complete the required analysis and identify programs that may be added or revised to address any identified issues.	<p>As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. 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 numeric objectives and, as appropriate, must address housing mobility enhancement, new housing choices and affordability throughout the Town.</p> <p>Finally, among other factors, the Town is entirely the highest resource category in access to opportunity, wholly a concentrated area of affluence and predominantly consists of households with the highest median income, a stark contrast to the rest of the region. These conditions and circumstances warrant significant and robust actions (not limited to the RHNA) to promote housing mobility and increasing housing choices and affordability throughout and beyond the Town, including in lower-density neighborhoods.</p> <p>As part of implementation, HCD encourages the Town to aggressively pursue numeric targets and geographic targets throughout the Town, including lower density neighborhoods.</p> <p>In addition, the Town must report on progress in implementation and should annually evaluate the effectiveness of programs in promoting inclusion throughout the Town.</p> <p>Based on this evaluation, the Town should consider appropriate and additional actions (e.g., missing middle housing types and targeted funding or other strategies to encourage</p>	Section 3.330: Atherton Fair Housing Assessment provides an analysis of fair housing in Atherton. As previously identified in this table, certain elements of the AFFH assessment need further analysis to achieve certification of the Housing Element by HCD.	<p>The element must include actions that promote AFFH opportunities as stated in Finding B1. For example, the element could include a program committing to implement Government Code section 8899.50, subdivision (b) which requires the Town to administer its programs and activities relating to housing and community development in a manner to AFFH and take no action that is materially inconsistent with its obligation to AFFH.</p> <p>Programs should address enhancing housing mobility strategies; encouraging development of new affordable housing in high resource areas; improving place-based strategies to encourage community conservation and revitalization, including preservation of existing affordable housing; and protecting existing residents from displacement.</p> <p>The programs should also include specific commitment, milestones, geographic targeting and metrics or numerical targets for meaningful outcomes and fair housing results</p>

Topic (Pg. in Housing Element)	Approach to HCD Response (Goal to Certify Housing Element)	HCD Letter 4.4.23 (Response to Adopted Housing Element)	Adopted Housing Element (Response to HCD)	HCD Letter 10.31.22 (Only Outstanding Items)
		affordability) to further promote housing choices and affordability in all areas of the Town, including lower-density neighborhoods.		
Program 3.812 (New Construction of Affordable ADUs) (Pgs. 125-128)	Consolidate and clarify the actions in place to ensure ADUs will be provided at lower income levels.	While the element was revised to include timing of each action, it is unclear how affordability will be established. The program should be revised to clarify actions to establish and track affordability	Section 3.812: New Construction of Affordable ADUs identifies the Town’s approach to incenting and promoting the development of ADUs.	The program must clarify the actions that will be implemented to incentivize ADUs beyond “consider”. In addition, the program should include implementation timing for each specific action. Lastly, as mentioned above, the Town should adopt a program to comply with state ADU law, monitor production and affordability of ADUs throughout the planning period and
Quantified Objectives (Pgs. 118-141)	Modify the measurable outcomes for programs as requested by HCD. Including income groups, as relevant and providing quantified objectives for rehabilitation and conservation for all income categories.	<p>The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period.</p> <p>While the element includes these objectives by income group for moderate- and above-moderate income, the element must also include objectives for extremely low-, very low-, and low-income households.</p> <p>In addition, the element should include quantified objectives for rehabilitation and conservation for all income categories.</p>	<p>Section 3.800: Housing Programs includes the list of all housing programs within the Housing Element.</p> <p>Each program, as relevant, includes a quantified objective. E.g. realize development of 280 new housing units, or 1-2 home share matches each year.</p>	<p>Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)</p> <p>The element did not address this requirement. The element must include quantified objectives for new construction, rehabilitation, and conservation by income group, including extremely low-income households. Please see the Building Blocks for additional information.</p>
Public Participation (Pgs. 142-145)	<p>Pursuant to comments from HCD, include a discussion of how public comments relating to feasibility, fair housing, and geographic equity were considered and incorporated into the element.</p> <p>Additionally, update Section 3.900 to expand on any ongoing public discussion related to the Housing Element and its programs during this revision period.</p>	While the element includes a summary of public participation, the element should describe how public comments relating to feasibility, fair housing, and geographic equity were considered and incorporated into the element.	Section 3.900: Efforts to Achieve Community Engagement summarize the outreach efforts behind the completion of the Housing Element.	While the element includes a general summary of the public participation process, the element should also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. Lastly, the element should describe whether translation services were available.

