

Please note: All page numbers listed in the response column reference the track change version dated September 26, 2023.

#	Comment	Response
A	A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. While the element includes information on the progress in implementation of various programs from the previous element, some programs still necessitate an evaluation of effectiveness and progress. Examples include Programs 10, 11, 14, 17, 18, 20 and 22.	We have revised the evaluation of the previous housing element programs in Appendix B to include a review of effectiveness and progress of each existing program.
B1	Disproportionate Housing Needs, Including Displacement: While the element states the increasing income gap and increasing housing costs indicate, lower-income residents in Solvang may be at risk of displacement, it should target programs to protect existing residents from displacement (e.g., first right of return to existing residents, just cause eviction or other efforts improving tenant stability beyond what is required by California Civil Code 1946.2).	We have added a new program (HE-X) to address displacement pressures in the City.
B1	Local Data and Knowledge: While the element includes some information on how the central portions of the City generally experience a higher number of fair housing issues than other areas in Solvang; however, the element should include additional local data and knowledge. For example, the element should include an analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, disparities in access to opportunity, and disproportionate housing needs within the City, including displacement risk.	We have added information to the AFFH analysis under the heading <i>Local Data and Knowledge</i> . Please see page H-A-90.
B2	Housing Stock Condition: The element must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including nonprofit housing developers or organizations.	We have revised the document to include information provided by Code Enforcement for both single-family and multifamily uses. See page H-42.

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B3	<p>Approved/Pending Sites: The element (p. H-87) relies on approved/pending projects to accommodate a portion of the City’s regional housing need allocation (RHNA) for lower-income households. While the housing element includes the number of units for each project by income group, it should also demonstrate the affordability and availability of the units. Affordability should be based on actual or anticipated rents, sales prices or other mechanisms (e.g., financing, affordability restrictions) ensuring their affordability. For availability, the element should describe the status of the project, including any necessary approvals or steps prior to development, development agreements, conditions, or requirements such as phasing or timing requirements that impact development in the planning period.</p>	<p>We have revised the summary of the Old Lumberyard site to include information on affordability and availability in the planning period. (see page H-91)</p> <p>The existing summaries of 539 Alisal Road and 670 Alamo Pintado discuss affordability (lower income units by deed restriction) and availability (both under construction). (see page H-92)</p>
B3	<p>Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period.</p>	<p>Tables H-52 (page H-96) and H-54 (page H-103) include information on sites used in previous Housing Element cycles (see the NOTES column).</p> <p>There are no lower income sites included in the sites inventory that were used as lower income sites in the 4th or 5th cycles:</p> <p>None of the vacant sites (Table H-52, page H-96) are included as current lower income capacity to meet the RHNA.</p> <p>Further, none of the lower income sites identified for rezone (Table H-54, page H-103) were included as lower income capacity in either of the previous two Housing Element cycles.</p>

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B3	<p>Emergency Shelters: While the element states emergency shelters are allowed by right in the DR zoning district, it should also demonstrate sufficient capacity to accommodate the identified need for shelters or for at least one emergency shelter. (Gov. Code, § 65583, subd. (a)(4).) The housing element must also demonstrate the permit processing, development, and management standards for emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters. In addition, emergency shelters must only be subject to the same development and management standards applicable to residential or commercial development within the same zone except for those standards prescribed by statute.</p>	<p>We have revised the text to demonstrate sufficient capacity to meet the identified need. Within these revisions we have addressed the new requirements of AB 2339. (see page H-83)</p> <p>We have added an action to Program HE-O committing the City to revise the municipal code to allow for emergency shelters in compliance with recent amendments to Government Code section 65583 subdivision (a)(4), including revising the emergency shelter definition to include interim interventions. The action also commits the City to providing an updated capacity analysis that accounts for development activity on the sites currently identified as capacity, if any.</p>
B3	<p>Transitional and Supportive Housing: While the element (p. H-79) states that it allows both supportive and transitional housing by-right in all residential zoning districts in compliance with State law. Per Table H-46 single family are permitted in the AG zone but transitional and supportive housing are not. The housing element must demonstrate that transitional housing and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)).</p>	<p>We have revised our analysis to identify this constraint (pages H-83 and H-84). We have also included a program action in Program HE-O committing the City to updating the Municipal Code to:</p> <ul style="list-style-type: none"> • <i>Allow for transitional and supportive housing in compliance with AB 2162, including, but not limited to, permitting these uses in all zones allowing residential uses, including the AG zone, subject only to the requirements of residential uses of the same type and form in the same zone.</i>

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B3	<p>Single Room Occupancy (SRO) Units: The element (p. H-80) states the City does not allow single-room occupancy residential units as a permitted use in any zone or through conditional use permits (CUP). However, the element includes Program HE-N where the City commits to providing developers with information to explore the benefits and opportunities that come with building SROs. The element should reconcile the statements and demonstrate zoning and capacity to encourage SROs.</p>	<p>We have revised program HE-O with a commitment to revise the Municipal Code to allow for SROs in commercial and mixed-use zones.</p>
B3	<p>Manufactured Housing: The housing element (p. H-81) must demonstrate the jurisdiction's zoning code allows and permits manufactured housing in the same manner and in the same zone as a conventional or stick-built structures are permitted (Government Code Section 65852.3). Per Table H-46 manufactured housing is not permitted in the same manner as single family in the DR, PRD, TRC and AG zones. The element must either demonstrate consistency with these requirements or include programs to amend zoning as appropriate.</p>	<p>We have added an action to Program HE-O committing the City to revising the Municipal Code to allow manufactured housing in the same manner and in the same zones as conventional stick-built structured in compliance with Government Code Section 65852.3).</p>
B4	<p>Local Processing and Permit Procedures: The element (p. H-66) states that most new development projects within the City, including multifamily residential developments, duplex units, townhomes, mixed-use developments, and condominiums, have required review and approval by the Design Review Committee (DRC). The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.</p>	<p>We have revised the analysis of Design Review procedures to include analysis of the City's design review guidelines and potential impacts on approval certainty (see page H-70).</p> <p>Due to the subjective nature of requirements outlined in the Design Guidelines, we have included a new program (HE-Y) committing the City to adopting objective design standards that allow for ministerial design review of by-right multifamily uses in multifamily zones.</p>

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B4	<p>In addition, the element (p. H-77, Table H-46) indicates that zones intended for multifamily development require developments plans. The elements states that, through Program HE-N, the City will create a ministerial review process for multifamily projects that incorporate a minimum of 20 percent of units affordable to lower-income households; however, the element must analyze the development plan requirement as a constraint and include a program as appropriate.</p>	<p>HCD has identified the development plan requirement as a constraint. In response, we have identified the Development Plan process as a constraint in the analysis of governmental constraints and have included a new program (HE-Y) committing the City to adopt a ministerial review process for by-right multifamily uses in multifamily zones. The process will include Objective Design Standards, with specific standards related to the TRC zone (see program HE-E) and will not include subjective findings or discretionary approvals.</p>
B4	<p>Housing for Persons with Disabilities: The element notes group homes for seven or more persons are expressly permitted in the Institutional district and in residential zones subject to a CUP. The element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty similar to other residential uses. Secondly, it appears based on Table H-46, page H-77 that residential care facilities for six or fewer are not treated the same as single family. The element should ensure that residential care facilities for six or fewer are treated the same as single-family units and should include programs as necessary.</p>	<p>We have revised the analysis to identify constraints to small and large residential uses (see pages H-86 and H-87).</p> <p>We have also included a program action within Program HE-O committing the City to revising the municipal code to allow residential care facilities of six or fewer in zones allowing single-family uses, subject only to the requirements of single-family uses, in compliance with State law (HSC § 1568.0831); and permit facilities with seven or more beds in all multifamily residential zones with objectivity and certainty similar to other residential uses of the same form.</p>

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B5	Requests for Lesser Densities and Approval Times: While the element states the City received no requests to develop identified sites below the minimum density as described in the sites inventory, it should also describe the length of time between project approval and request for a building permit.	We have revised the analysis of nongovernmental constraints to include an analysis of the length of time between project approval and request for a building permit. See pages H-58 and H-59.
B6	While the element quantifies the City’s special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.	We have added an analysis of available resources for special needs groups, as well as an analysis of resource gaps, and programs to help address those gaps. (see pages H-49 to H-56)
C1	Programs must demonstrate that they will have a beneficial impact within the planning period. Several programs (e.g., HE-F, HE-H) include actions with no description of how those actions will be implemented (e.g., “explore”). Programs should be amended, as appropriate to include implementation steps. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, and definitive timelines. Deliverables should occur early in the planning period to ensure actual housing outcomes.	We have revised programs throughout the Policy Document to provide implementation steps and definitive timelines. The timing associated with deliverables is generally within two years of the adoption deadline.
C1	HE-L Infill Incentives Ordinance Program: This program commits to a timeframe of within three years of the adoption deadline, to evaluate and revise, as necessary, residential development standards to remove constraints to multi-unit infill development. However, the program also commits to actions within one year of the adoption deadline. Program should be revised to include consistent timelines.	We have revised this program to provide consistent timelines, identified as “within two years of the adoption deadline
C1	HE-O Municipal Code Updates Program: This program has a commitment deadline of within three years of housing element adoption; however, as the planning period has already started and the housing element has not been adopted, the commitment should specify a date early in the planning period (e.g., by 2025).	We have revised this program to commit the City to implementing all actions within two years of the adoption deadline (by February 15, 2025)

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C2	As noted in Finding B3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.	We have revised the Element based on the comments in B3. No additional programs are needed based on revisions to the sites inventory. However, several new program actions were included in Program HE-O to respond to comments under finding B3 related to zoning for a variety of housing types.
C2	As noted in Finding B4 and B5, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.	Please see responses associated with comments from Findings B4 and B5 above.
C4	As noted in Finding B1, the element requires a complete affirmatively further fair housing (AFFH) analysis. Based on the outcomes of that analysis, the element must add or modify programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, milestones, and geographic targeting. Specifically, the element should include actions with specific commitments, metrics and milestones as appropriate to protect existing residents from displacement housing and address mobility enhancement including new housing choices and affordability in higher opportunity areas (beyond RHNA) to result in an equitable quality of life and AFFH throughout the City.	We have updated programs throughout the Policy Document to include specific commitments, metrics, milestones, and geographic targeting.
C4	In addition, the following programs should be revised with geographic targeting: <ul style="list-style-type: none"> • HE-A (Code Enforcement) • HE-B (Housing Rehabilitation Assistance Program) • HE-F (Local Workforce Housing) • HE-G (Density Bonus Program) • HE-H (Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Development) • Program HE-C (Rental Assistance) • HE-I (Application for Grants and Loans) • HE-N (Affordable Housing Incentives Program) • HE-P (Affirmatively Furthering Fair Housing) • HE-Q (Housing for Disabled Persons) 	We have updated each of these programs to include geographic targeting.

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C5	<p>Program HE-H Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Development states that the City will engage with local builders and homeowners to explore potential incentives to encourage the development of ADU and JADU development in low density high opportunity areas. The program should list examples of ADU incentives. This can take the form of flexible zoning requirements, development standards, or processing and fee incentives that facilitate the creation of ADUs such as reduced parking requirements, fee waivers and more. Other strategies could include developing information packets to market ADU construction, targeted advertising of ADU development opportunities or establishing an ADU specialist within the planning department.</p>	<p>Program HE-H commits the City to development information to market ADU construction (actions a, b, and c).</p> <p>We have revised action e to provide examples of potential incentives for development in low density high opportunity areas, including, but not limited to, flexible zoning requirements, deferred or waived fees, and/or reduced parking requirements.</p> <p>We have also added a new action, as follows: <i>F: Distribute information on ADU development opportunities and available incentives through annual advertising campaigns targeting low density high resource areas</i></p>

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D1	<p>While the element includes a general summary of the public participation process (p. H-22), it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element should be revised to discuss outreach to lower-income and special needs groups during the public participation efforts, solicitation efforts for survey responses, and participation in community workshops, and if translation services were provided. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element.</p>	<p>The summary of public participation (beginning on page H-9 of the Needs Assessment) outlines engagement efforts, including discussion of translation and distribution of information throughout the community. We have revised the summary to conclude with a summary of efforts to involve all economic segments of the community.</p> <p>We have also revised all information included within the public participation summary to identify how input received informed the Draft Housing Element.</p> <p>Finally, the Draft includes an account of public input received on the Public Review Draft Housing Element and HCD Review Draft Housing Element in Appendix C. The appendix also identifies how input received informed the Draft Element.</p>