

ATTACHMENT 1A
APPENDIX
CITY OF BRENTWOOD

The following changes were made in response to the May 16, 2023 letter from HCD which were necessary to bring the City’s housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

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

A. Housing Needs, Resources, and Constraints

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

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<p><u>Patterns and Trends:</u> While the element now includes additional discussion regarding individual data points, as found in HCD’s prior review, the analysis of patterns and trends must also analyze coincidences and overlaps with other components of the assessment of fair housing (e.g., income, race, racially concentrated areas of affluence, etc.,)</p>	<p>Supplemental analysis has been added to assess overlaps with AFFH findings and study areas in the AFFH summary section</p>	<p>3-135 – 3-142</p>
<p><u>Disparities in Access to Opportunities:</u> The element was not revised to address this finding. Please see HCD’s prior review for additional information.</p> <p><i>While the element included some data and high-level statements regarding access to opportunities including education, economic, and environmental, revisions will be needed to address this requirement. For example, to address the analysis of access to educational opportunities, the element includes a statement that</i></p>	<p>Supplemental analysis has been added to the AFFH analysis and findings have been summarized for each focus area. This also includes historical information on past City actions and future actions to address certain issues.</p>	<p>3-102 – 3-107</p> <p>3-135 – 3-142</p>

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<p><i>southern census tracts has the highest educational outcomes. To provide an analysis of economic opportunities, the element summarized the city-wide job proximity, commute times, and unemployment rate. Lastly, to address analyzing environmental access and issues, the element notes that certain parts of the City have less environmental scores compared to other neighborhoods. A complete analysis includes identifying various data points, analyzing that data for trends and patterns throughout the City, and identifying any concentrations or coincidences with other fair housing components.</i></p>		
<p><u>Disproportionate Housing Needs:</u> Substandard Housing Conditions: While the element now includes city-wide and general data on substandard housing conditions, this data must be analyzed for trends and patterns across census tracts, neighborhoods, or specific geographies. Additionally, as noted above, the element should analyze this data for coincidences with other fair housing issues.</p>	<p>Supplemental analysis has been added for substandard housing, including mapping.</p>	<p>3-116 – 3-118</p>
<p><u>Local Data, Knowledge, and Other Relevant Factors:</u> The element was not revised to address this finding. Please see HCD’s prior review for additional information.</p> <p><i>The element included some high- level information on hate crimes, lending patterns, and housing choice vouchers. However, the element did not discuss how this data relates, supports, or supplements the existing analysis, fair housing conclusions, or contributing factors. The element must consider other relevant factors that have contributed to certain fair housing conditions. This analysis must consider information that is unique to the City or region, such as governmental and nongovernmental actions, historical land use and zoning practices (e.g., past redlining/greenlining, restrictive covenants, etc.), disparities</i></p>	<p>Local data/knowledge has been added to the focus areas with information on development history, city investments, CIP projects, etc.</p>	<p>3-138 – 3-142</p>

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<p><i>in investment to specific communities, or other information that may have impeded housing choices and mobility. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates, public comments, and service providers.</i></p>		
<p><u>Sites Inventory and Affirmatively Furthering Fair Housing (AFFH):</u> While the element was revised to include additional analysis regarding the location of sites relative to integration and segregation, the analysis must still evaluate sites relative to access to opportunities and racially concentrated areas of affluence (RCAA). Please see HCD's prior review for additional information.</p>	<p>The AFFH Findings and Sites Summary section has been updated to compare sites and RCAAs.</p>	<p>3-138 – 3-142</p>
<p><u>Contributing Factors to Fair Housing Issues:</u> Upon a complete AFFH analysis, the element must assess and prioritize contributing factors to fair housing issues and add or modify programs as appropriate.</p>	<p>Two additional contributing factors have been added based on updated analysis.</p>	<p>3-135 – 3-136</p>

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

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<p><u>Special Needs Households:</u> While the element was revised to include additional information about proposed programs, as found in HCD's prior review, it did not include an evaluation of existing resources and needs for each special needs group including seniors, farmworkers, homelessness and extremely low-income (ELI) households. The element must discuss the existing resources to meet housing needs (availability of shelter beds, number of large units, number</p>	<p>Information on resources available to persons experiencing homelessness, number of large units, and deed restricted units has been added. A variety of additional program actions have been added to Action H.4a: Affirmatively Furthering Fair Housing. Action H.4k: Emergency Shelters has also been updated to include references to AB 2339 and allowing emergency shelters by-right in at least one zone that allows residential uses.</p>	<p>2-25 3-123 – 3-134 4-22 – 4- 27 4-30</p>

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of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.		

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

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<p><u>Nonvacant Sites:</u> The element must provide an analysis demonstrating the likelihood of nonvacant sites redeveloping into residential development. The element was revised to indicate the uses on each site, include a general statement that property owners have been involved and are supportive of redevelopment and provide examples of past projects with similar uses that have redeveloped into higher density residential developments. While the element included examples of past redevelopment projects, the analysis must also consider current market demand for the existing use, existing leases or contracts that would perpetuate the existing use or prevent additional residential development or other relevant information to demonstrate the potential for redevelopment. For example, the element notes that many of these sites are used for seasonal agriculture. The element could discuss how likely these uses will discontinue through evaluating market demands for these uses. The element also noted that the property owners are supportive of redevelopment. The analysis could expand on this information such as discussing the extent of owner interest including whether the property owners are interested in selling or redeveloping their properties with the densities identified in the inventory during the planning period.</p>	<p>Language has been added detailing the written letters of support for three agricultural sites and Table B-7 with past projects on agricultural sites has been updated.</p> <p>Table B-8 has also been updated with the vacancy status of agricultural sites.</p> <p>Additional language has been added detailing the percent of lower income units on vacant sites.</p>	<p>B-11</p> <p>B-17 – B-20</p> <p>B-11</p>

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<p>Additionally, the sites inventory (Table B-8) noted several sites as vacant but also noted seasonal agricultural uses. For your information, a vacant site is defined as a site with no improvements including sites generally with no crop developments. The element should clearly indicate whether sites are truly vacant or nonvacant by evaluating whether the sites include any improvements. For example, Site 11 in the inventory is described as vacant with seasonal agricultural use; however, assessor parcel data indicates the site potentially has existing structures and an improvement value of \$100,000. The element must evaluate its sites and clearly identify whether sites are vacant or nonvacant.</p> <p>HCD's previous review found that the element did not rely upon nonvacant sites to accommodate more than 50 percent of the regional housing need allocation (RHNA) for lower-income households. However, based on the findings above regarding clearly identifying nonvacant sites and as found in HCD's prior review, if future revisions and modifications result in the City relying on nonvacant sites to accommodate more than 50 percent then the element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.</p>		
<p><u>Realistic Capacity:</u> The element was revised to describe three high density projects within the City of Brentwood and multiple projects from the City of Antioch as supporting information to realistic capacity assumptions. However, the City is using</p>	<p>The Realistic Capacity section has been updated to include further details on calculations for residential-only and mixed-use parcels. Additional explanation is adding noting that the residential-only parcels are calculated with a mid-point density which roughly equates to 80% of the</p>	<p>Appendix B</p>

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<p>various pipeline projects and other development projects (Table B-7) to accommodate the RHNA, indicating that the City has several other projects that are excluded from the supporting information and does not necessarily need to utilize projects from nearby communities which may have unique features. As such, the element should provide information on typical densities on all recent and pipeline projects including a listing of residential development activity, the zone, acreage, built density, allowable density, level of affordability and presence of exceptions such as a density bonus. Further, the element should analyze and evaluate this data to support its realistic capacity calculations. 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>The element was not revised to address HCD's prior review regarding gross and buildable site acreage. As found in HCD's prior review, the element stated that realistic capacity assumptions were based on the buildable acreage of the site and that buildable acreage was determined by discounting sites for environmental constraints, infrastructure, or other necessary site improvements. However, the sites inventory indicated that there were no discounts applied to sites i.e., gross, and buildable acreage are listed as the same.</p> <p>Lastly, while the element was revised to state that ground floor retail is required in the PA-1 TV zone, this still does not address HCD's prior review. The element must clearly specify whether the City has identified any sites in zones that allow for 100 percent nonresidential uses. The</p>	<p>maximum, and mixed-use parcels are also calculated with a mid-point density plus an added 75% reduction. Calculation examples are provided for both and the inventory table has been updated to note the added 75% reduction for the mixed-use sites.</p> <p>Additionally, language has been added noting the City does not generally receive applications at densities below the range allowed in the residential zoning districts. Table B-6 shows the average density yield for projects in Brentwood. However, there has only been two higher density projects in the last ten years – Silvergate and Amber Lane – language is added noting these are the only projects and data is not singled out.</p> <p>Additional language has been added detailing the average permitting time for pipeline projects to show there is a quick turnaround time between an applicant receiving entitlements and applying for building permits – showing the market interest is high.</p> <p>The Table B-8 has been updated to remove the gross vs. buildable acreage for candidate sites (except for PA-1 sites).</p> <p>More information has been added to the Mixed-Use Capacity subsection noting the density standards and commercial component requirements. Added information also notes that the city does not have a history of commercial-only projects being proposed in mixed-use zones that allow residential; development interest continues to remain for residential uses.</p> <p>Added information on AB 2011 and the application the City has received on a commercial site @ 33 units/acres w/ 20% affordable units (First city in the county). The project</p>	

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<p>element must analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow 100 percent nonresidential uses. This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development. For additional information, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/analysis-sites-and-zoning.</p>	<p>also includes a density bonus component for concessions and waivers.</p>	
<p><u>Site Size:</u> The element continues to utilize large sites to accommodate the lower-income RHNA. Additionally, it appears that acreage within these large sites are in specific plan areas that have yet to be parceled or subdivided according to the plan. The element should include a discussion of the specific plan including an analysis of potential future parceling. The analysis should provide additional description of the specific plans, the acreage of sub-areas, presence of any land use maps, future parcel sizes and add or modify programs to facilitate development on parcel sizes that are deemed appropriate to accommodate housing during the planning period. Programs should include a commitment to facilitating the subdivision of parcels, outreach and working with property owners and providing incentives for appropriate parceling, development and monitoring.</p>	<p>Language added noting that there are no large sites with lower income units identified; however, site #11 identifies 13.3 acres for development capacity, but with no lower income units. Language added noting that all parcels in the PA-1 Specific Plan will be parceled prior to development.</p>	<p>B-13</p>
<p><u>Infrastructure Availability:</u> The prior version of the element indicated that the City is currently in the process of expanding the City’s wastewater treatment facility. HCD’s prior review found that the element must clarify if the expansion is a necessary step to accommodating the RHNA. The element was revised to indicate that the expansion will accommodate the RHNA</p>	<p>Statement added noting the City is taking steps to accommodate future buildout over the next 30-40 years, but current infrastructure can accommodate the entire RHNA.</p>	<p>B-3</p>

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<p>(p. B-3). As found in HCD’s prior review, the element should clarify if there is sufficient infrastructure capacity to accommodate the RHNA. In addition, if the City is dependent on the expansion of water treatment facility to accommodate the RHNA, the element must include a program committing to actions and a timeline to make sufficient infrastructure available to accommodate the RHNA.</p>		
<p><u>Sites Inventory Electronic Form:</u> Please note, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD’s housing element webpage at https://www.hcd.ca.gov/planning-and-community-development/housing-elements for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.</p>	<p>Noted – as no changes have been made to the sites, the previously submitted Electronic Sites Inventory Form still applies and no changes are needed.</p>	<p>N/A</p>

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

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<p><u>Land-Use Controls – Zoning and Densities:</u> The element was not revised to address this finding. Please see HCD’s prior review for additional information.</p> <p><i>The element includes a listing of the General Plan Land Uses and the associated zoning and density ranges (p. 3-</i></p>	<p>Action H.1t has been added with the following objective (which has been approved by the City Council): “Adopt Zoning Code/General Plan updates removing discretion or constraints, such as requiring the exercise of transferable agricultural credits, significant added amenities, extensive off-site public improvements, or</p>	<p>4-10 3-7</p>

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<p>7). Specifically, it notes that the Residential Very High Density (R-VHD zone) and R-3 zone allows for 20-30 units per acre. However, the element then states that multifamily structures shall not exceed 16 units per gross acre (p. 3-8) effectively acting as a constraint to achieving maximum densities. The element must analyze this requirement as a potential constraint on achieving maximum densities, cost, feasibility and supply (number of units) of housing. For your information, the element must demonstrate densities appropriate to accommodate housing for lower income households. For communities with densities that meet specific standards (at least 30 units per acre for Brentwood), no analysis is required. (Gov. Code, § 65583.2, subd. (c)(3).) While the City may have zones that allow for up to 30 units per acre, as noted above, requiring that developments cannot exceed the midpoint of the density range can act as potential constraint to providing housing for lower-income households. The element must include an analysis that evaluates how these requirements specifically impact providing housing for lower-income households, in addition to the analysis noted above. Based on a complete analysis, the element may need to add or modify programs to mitigate or remove this constraint.</p>	<p>other significant improvements for projects requesting densities above the mid-point for all residential land use categories.”</p> <p>Background and mention of the new Action has been added to Table 3-3 which identifies the mid-ranges for each land use.</p>	
<p>Planned Development Zones: While the element was revised to list specific development standards established through the planned development (PD) process, it still should clearly explain whether PDs are optional or required for areas intended for residential uses and whether there are established development standards prior to the approval of the PD. If the PD is mandatory in areas intended for residential uses without fixed development standards, the element should specifically evaluate these City of Brentwood’s 6th Cycle (2023-2031) Adopted Housing Element Page 5 May 16, 2023 requirements for impacts on cost, supply, feasibility, and approval certainty</p>	<p>Language has been added noting that Planned Developments are optional and are not pre-zoned, nor are standards pre-established by the City.</p>	3-21

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<p>of housing. Lastly, the element still must identify and analyze any minimum unit size requirements.</p>		
<p>Parking: The element included a hypothetical example of a 6,000 square feet parcel and some applicable development standards. Further the analysis stated that since projects would still be able to reach maximum densities, the current parking requirements (e.g., two spaces per unit) is not a constraint. However, HCD’s prior review stated that the analysis must also consider impacts on cost, supply, housing choice and affordability. The analysis does not address these factors. Additionally, HCD finds that requiring smaller bedroom types (e.g., studio and one-bedroom units) to provide two parking spaces is considered a constraint. The element must include a program committing to reducing parking requirements for smaller bedroom types.</p>	<p>Action H.1r has been added to Adopt Zoning Code updates for multi-family unit parking requirements by requiring 1.5 parking spaces per 1-bedroom units and 0.5 spaces per 0-bedroom units.</p> <p>Language added in Section 3.A.2 explaining the addition of Action H.1r and that development projects subject to the Affordable Housing Program may receive parking waivers.</p>	<p>3-20 4-9</p>
<p>Local Processing Procedures: The element was not revised to address this finding. Please see HCD’s prior review for additional information.</p> <p><i>The element provides a description of some types of permits that are “common” under the City’s processes including a design and site development review and CUP. This is not a complete analysis and does not address the requirements. The element must describe and analyze the City’s permit processing and approval procedures by zone and housing type (e.g., multifamily rental housing, mobilehomes, housing for agricultural employees, supportive housing. The analysis should consider processing and approval procedures and time for typical single-family and multifamily developments, including type of permit, level of review, approval findings and any discretionary approval procedures. The analysis must evaluate the processing and permit procedures’ impacts as</i></p>	<p>Approval criteria has been added.</p> <p>New program H.1s added to amend approval findings for CUP and Design and Site Development Review applications to replace subjective language with objective standards.</p> <p>Added language noting when and where CUPs are required. Also noted that no multifamily developments in the High Density Multifamily Residential (R-3) zone require approval of a Conditional Use Permit. Additionally, none of the sites identified in the candidate sites inventory listed in Appendix B require the approval of a Conditional Use Permit.</p>	<p>3-39 – 3-41</p> <p>4-9</p>

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<p><i>potential constraints on approval certainty and timing, promoting objectivity, feasibility, and housing supply and affordability. For additional information and sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/processing-and-permitting-procedures.</i></p>		
<p><u>Design and Site Development Review:</u> While the element was revised to include a commitment to removing certain subjective criteria, this still does not address HCD's prior review. As noted in the prior review, the element must clearly detail the type of uses that are subject to a design and site development review. Additionally, and as noted above, the element must identify and evaluate any approval findings or decision-making criteria for this requirement. The analysis should address impacts on housing cost, supply, timing, and approval certainty. Based on a complete analysis, the element should include programs to address or remove the identified constraints.</p>	<p>Approval criteria has been added.</p> <p>New program H.1s has been added to amend approval findings for CUP and Design and Site Development Review applications to replace subjective language with objective standards.</p>	<p>3-39 – 3-41</p> <p>4-9</p>
<p><u>Locally Adopted Ordinances:</u> The element was revised to indicate that the City recently updated its inclusionary policy requiring that developers must construct the required affordable units and will not be given the option of paying in-lieu fees (Program H.2a (Affordable Housing Ordinance)). The element must discuss alternatives for compliance, incentives for meeting requirements and the required in-lieu fees. The element must analyze these requirements for consistency with state law and impacts on cost and feasibility.</p>	<p>Additional alternatives for compliance have been added with information on popular options.</p>	<p>3-25 – 3-28</p>

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

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<p>The element was not revised to address this finding. Please see HCD's prior review for additional information.</p>	<p>Language has been added noting the City does not receive applications at densities below the range allowed in residential zoning districts and that recent projects either meet or exceed the maximum density permitted.</p> <p>The length of time between received planning approval and submitting for building permits, on the applicant's side, has been added.</p>	<p>B-8 B-5</p>

6. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

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<p>HCD's prior review found that the element must identify and analyze all assisted units and asses the risk of these units converting in the next ten years. While the element was revised to include a listing of assisted units from CHPC database, the element did not include any information on assessment risk, conversion or expiration dates, and update the at-risk analysis regarding cost of preserving and replacing these units. The element must be revised to include an assessment of units at-risk of converting to market rate within the next ten years and the cost of replacing and preserving these units.</p>	<p>Background, resources, and analysis on units at-risk is included in the At-Risk Assisted Affordable Housing section.</p>	<p>3-123 — 3-128</p>

B. Housing Programs

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

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As noted in Finding A3, 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.	No changes necessary at this moment.	N/A
In addition, Program H.1b (Accessory Dwelling Units (ADUs) and H.1c (ADU Monitoring) commits to annual monitoring of ADU affordability and production trends and commitments to certain actions if production does not keep pace such as increased densities or fee incentives. However, given the City’s strong ADU assumptions, this program must commitment to identifying and rezoning sites if actual production and affordability if far from anticipated trends.	Action H.1b and H.1c have been updated. Action H.1c includes trigger actions should ADU development not occur as projected. The City does not project ADU development that is greater than the average over the last 4 years. A statement about this has been added to Action H.1b to ensure clarity that the projection is not high.	4-3

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

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As noted in Findings A4 and A5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add	Programs have been updated accordingly following a completed constraints analysis. Actions H.4n and H.4o have been updated to include more specific commitments as requested by HCD.	Section 4 4-31 4-32

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<p>programs and address and remove or mitigate any identified constraints. The element should be revised as follows: Program H.4n (Definition of Family): While this program commits to removing potential constraints to the definition of family, it must specifically commit to removing constraints, namely the requiring all residents to be under a single written lease to be considered a family. Program H.4o (Residential Care Facilities): While this program commits to allowing these uses in the same way as similar uses, this program should be revised with a commitment to allow these uses in the same way as other residential uses in the same zone.</p>		

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

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<p>As noted in Finding A1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add programs. Additionally, while the element was revised to include some metrics and geographic targeting, this generally does not address HCD's prior review. First, many of the actions are generally not significant and meaningful to address the City's fair housing issues, create equitable communities and address the four required program areas (e.g., increasing housing choices and affordability in higher opportunity or higher income areas, promoting housing mobility, place-based strategies for revitalization and conservation and addressing displacement risks). Second, several programs are scheduled to begin implementation halfway through the planning period. To achieve beneficial impact, programs must be implemented earlier in the planning period. Third, the element included geographic targeting based on specific census tracts. However, the assessment of fair housing did</p>	<p>Programs were reviewed in coordination with HCD to ensure programs were all addressed adequately to include metrics, geographic targets, and were significant and meaningful. Action H.4a was also updated to include meaningful actions to address fair housing issues.</p>	<p>Section 4</p>

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not call out specific census tracts but rather discussed geographic quadrants and neighborhoods Therefore, it is unclear how these census tracts relate to the analysis and fair housing issues.		

C. Public Participation

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

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<p>HCD’s prior review found that the City employed limited outreach methods to engage various economic segments of the community during the preparation of the element. While the element was revised to indicate that the city provided language translation and advertised public workshops to special needs organizations, the City has still not demonstrated diligent outreach efforts to the community. As such, HCD’s prior review found City of Brentwood’s 6th Cycle (2023-2031) Adopted Housing Element Page 8 May 16, 2023 that moving forward, the City should employ a variety of methods to involve all economic segments of the community. Through the adoption process, the City had another opportunity to meaningfully engage with the community. However, the element noted that the City posted the revised element online for seven days and emailed organizations on the listserv. HCD will be considering the extent the City has outreached, engaged and considered comments in future submittals.</p>	<p>Added more details on indirect outreach conducted, and added language on the extent of outreach – flyer at grocery stores, social media, community organization outreach, etc.</p>	<p>Appendix C</p>
<p>Additionally, the housing element noted that the City summarized and addressed public comments in Appendix C. However, Appendix C includes a list of all public comments and meeting materials. As found in HCD’s prior review, the element must summarize public comments and discuss how comments were considered and incorporated where applicable. To address this, the element could summarize</p>	<p>All public comments are included with responses detailing how they’ve been considered and incorporated.</p>	<p>C-21</p>

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key themes from public comments and feedback and include corresponding programs, actions, strategies or information on how the City addressed various themes.		

In addition to the above mentioned HCD letter dated May 16, 2023, HCD provided a letter dated January 2, 2024. HCD stated that it considered comments from East Bay for Everyone pursuant to Government Code section 65585, subdivision (c) and found that the revised draft element (dated November 2023) met the statutory requirements that were described in HCD’s May 16, 2023 review and that the housing element will substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq) when it is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585.

Although HCD did not provide any additional comments in the January 2, 2024 letter, HCD noted several areas for consideration. The following response to the January 2, 2024 letter from HCD have been made.

Comment	Response
Additionally, the element acknowledges that several sites are not considered vacant due to agricultural production. This is also reflected in the City’s electronic sites inventory where majority of the sites are listed with existing uses such as “agricultural or open space”. As a result, the element appears to rely upon nonvacant sites to accommodate more than 50 percent of the regional housing need allocation (RHNA) for lower-income households. As part of adoption, the City must make findings based on substantial evidence, the existing uses will be presumed to impede additional residential development. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution), the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.	Based on Gov. Code, § 65583.2, subd. (g)(2), findings have been included for the City Council consideration that find that based on substantial evidence, the existing uses will be presumed to impede additional residential development.
For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the City did not adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), Program H.2o (By-right Development of 5th and 4th Cycle Sites) to make prior identified sites available to accommodate the RHNA must be completed no later than one year from the statutory deadline. Otherwise, the local government’s housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City does not adopt a compliant housing element within one year from the	HCD did not find the City’s housing element to be in conformance with state law within 120 days of the statutory deadline (January 31, 2023). Based on this finding, Program H.2o (By-right Development of 5th and 4th Cycle Sites) was added to allow by-right development for qualifying sites pursuant to Government Code section 65583.2(c).

Comment	Response
<p>statutory deadline, the element cannot be found in substantial compliance until all necessary rezones are completed pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c).</p>	
<p>Public participation in the development, adoption, and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.</p>	<p>The City has continued to engage the community, including organizations that represent lower-income and special needs households, by making information on the final adoption hearings available. No further changes have been made or are proposed beyond the November 2023 draft Housing Element so no additional revisions have been posted. while considering and incorporating comments where appropriate</p>