

## LA PAZ VILLAGE INVESTORS, LLC

September 20, 2023

Larry Longenecker

Community Development Director

City of Laguna Hills

24035 El Toro Road, Laguna Hills, CA 92653

**RE: Site Development Permit No. 0147-2023 (La Paz Village Senior Living) Resubmittal**

Dear Larry,

We have reviewed your letter 'Notice of Incomplete Application' dated July 11, 2023 and are re-submitting an updated set of plans that address and or clarify a number of issues brought up in your letter.

As part of our SB330 Builders Remedy application we are required to submit a residential project that has a minimum of 20% of the units made available to person who qualify as Low Income. Within the latitude granted under builders remedy the applicant has the discretion to determine a considerable portion of the project – such as amount of parking provided, the height, density, setbacks and so on. Our response includes a 180 unit residential project with a full set of architectural plans, addressing comments relating to fire life safety (including fire department ladder access to the roof), parking program, cross sections, grading plans, landscaping plan, ADA path of travel, pedestrian access, etc. As you will see in our updated set of plans, the project consists of a residential 180-unit age-restricted residential development with fully separate and independent dwelling units, which qualify as "residential units" per RHNA and the Housing Accountability Act (i.e. not a congregate care facility, group living arrangement or convalescent care facility) with common areas that will be used by 3<sup>rd</sup> party vendors for the purpose of providing services to the residents of the building. The services will be provided as part of an 'a la carte' program that residents can choose to participate in as they see fit (services to include home help, beauty salon, health care check-ups and other services that might be of a concierge nature in a 'wellness center').

Additionally, we would like to address items that we believe either do not apply to our SB330 Builders Remedy application or should be deferred until plans are further along. These items are identified below.

## Section I. Completeness Review

### Item 3 (Checklist Item A5) – Letter of Justification:

- The Notice of Incomplete Application asks for the application to provide a Letter of Justification to summarize how the project is consistent with the general plan and zoning requirements, including how it complies with General Plan requirements and Zoning requirements. A project submitted under SB330 ‘builders remedy’ does not need to be consistent the City’s General Plan or Zoning as long as the project meets the requirements of SB330 which our proposed project does. Therefore, a Letter of Justification is not applicable to our application and should not affect our application’s level of completeness. In lieu of a “Letter of Justification,” we reference the March 2, 2023, letter of our legal counsel, Michael W. Shonafelt to you, which provides a more detailed explanation of how the builder remedy applies to this project.
- Our application is a residential project with 180 residential units that meet HCD’s definition, it includes 20% of the units as low income and all the amenity and ground floor ‘service space’ such as hair salons and treatment rooms are within the scope contemplated under builders remedy.

### Item 4 – Plan Set Title Sheet

- Please see attached plan sheet A-1 for all project data including project square footage, parking, unit count etc.
- Note that the project is still in the approval stage so we have not gone out for construction pricing or financing bids, but at this stage the intent is to use private financing sources.

### Item 5 (Checklist Item C4) – Proposed Site Plan

- Project plans have been updated to include gross building area, building setbacks, easement, ADA path of travel, parking areas and so on.
- The Incomplete Notice requests the submittal address Title 24. The plans submitted are detailed but are schematic drawings. Title 24 will be addressed as a part of our construction drawings later in the design process, which, as you know, is the usual sequence in entitlements and permitting.
- Preliminary lighting plans will also be incorporated later in our planning process.
- Striping and signage plans will also be incorporated later in our planning process.
- We have provided 20 foot wide min fire lanes around the property (on the South and West sides).
- The Notice requests additional information to determine parking compliance with LHMC Section 9-40.030. Because it proceeds in the absence of zoning, a builders remedy project affords flexibility to determine parking for the project, and does not obligate the applicant to comply with LHMC. The applicant has studied parking needs and uses in similar active adult and independent living projects and has provided what we believe is adequate parking for the residents and guests (see sheet A-1 on the project plans).  
As it relates to parking on adjacent commercial properties we have not seen and formal parking obligations encumbering the subject property – i.e. the rear 2.5 acre parcel (APN: 620-211-17) that cannot be terminated or won’t go away when the current use changes.

### Item 8 Project Site Cross Section

- These are included in the resubmittal package

Item 9 Colored renderings

- These are included in the resubmittal package

Item 11 (Checklist Item C11) – Preliminary Lighting Plan

- The plans submitted are detailed schematic plans however, a preliminary lighting plan will be provided later in the design process.

Item 13 (Checklist Item C13) – Sign Plan/Master Sign Program

- The plans submitted are detailed schematic plans however, a sign plan/master sign program will be provided later in the design process.
- The City's comment regarding the signage on McIntyre Street is not applicable as that signage is existing.

Item 14 (Checklist Item C14) – Housing Plan

- Applicant will submit a housing plan that is consistent with the requirements of a SB330 Builders Remedy application. We intend to make 20% of each unit type available to tenants that qualify as Low Income (and at rental rates that comply with the Housing Accountability Act) – sheet proposed BMR unit allocation on sheet A-1 which shows 36 units set aside as Low Income. These units will be restricted pursuant to the required affordability period.

Item 15 Preliminary Grading Plan

- See updated preliminary grading plan as part of the revised submittal

Item 16 Preliminary Water Quality Management Plan

- Included in revise submittal

Item 17 Will-Serve Letters

- SDG&E and Moulton Niguel Water are already providing water, sewer and electricity to the site. They have said they will continue to provide those services to the future project and will review and comment on the capacity once we submit our applicant designs for the future project. Since they already serve the subject property they have said they do not need to provide 'Will-Serve' letters.

Item 18 Hazardous Waste Statement

- See attached

Item 19 (Checklist Item C21) – Waste Management Plan

- Applicant will provide a waste management plan later in the design process once we have an approved project to share with CR&R.

#### Item 20 Fire Master Plan

- Applicant will use this next round of City comments to refine the design and use that to prepare the Fire Master Plan. The Applicant did review the project plans with a Fire Consultant and have made adjustments to the plans to provide 'ladder tunnels' allowing firemen access to the podium deck with their ladders and have widened the alley adjacent to the podium deck so as to allow fire ladder trucks the necessary angles to extend their truck's ladder up to access the south west corner of the building's roof. The ladder truck would also be able to access the roof from the parking lots on the north east corner of the building and the OC Board of Realtors access easement on the south west side of the property providing access to the opposite corners of the building roof.

#### Item 23 and 24 Parking and Traffic Study

- The traffic study has been updated to address the discrepancy in the previous report.

#### Fee table

- Since this application is being processed under SB330 Builders Remedy the Applicant does not need to process a General Plan Amendment or Development Code Amendment. The Applicant will pay the appropriate fees as required under Builders Remedy. Could you please review the deposits requested and adjust the request so that it is consistent with a builders remedy application? Applicant is happy to provide an additional deposit to allow the project to continue to be processed while the fees are being reviewed.

#### Section II. California Environmental Quality Act (CEQA)

Applicant notes that the City has retained CEQA consultant Dudek to conduct initial studies. We don't yet have a schedule from a General Contractor for the construction of the project nor do we have construction vehicle counts or trips, but will be able to work with Dudek and provide that information as the plans develop. The Applicant will supply the CAD files to the consultant for the shade and shadow studies or alternatively will produce those studies for the City based on direction on specific angles and so on. It is worth noting that the Permit Streamlining Act makes clear that an applicant need not produce the all the information required for the public agency (the City) to make a final action on the project, not all the information necessary to conduct its CEQA review as a requirement for submitting a complete application. (Gov. Code, § 65944, subd. (b), (c).)

The Applicant as part of their own environmental due diligence conducted Phase I and Phase II studies and determined that while there was a dry cleaner on the subject property, the contamination levels of TCE are fairly low, didn't impact the ground water and will likely be relatively simple to remediate as part of the demolition of the existing building. The application has also provided an initial traffic study which includes VMT scoping which shows that the existing center generates more traffic than the proposed development. Applicant will provide further information such as shade and shadow analysis, construction related items such as phasing and equipment type, excavation depth and so on later in the design process.

### Section III Statutory Non-Compliance

The Applicant submitted our builders remedy application on December 12<sup>th</sup>, 2022 while the City of Laguna Hills' Housing Element was out of compliance with HCD, and followed up with a formal submittal on July 11<sup>th</sup>, 2023, which was within the 180 day period allowed. Our letter to the City dated July 20<sup>th</sup>, 2023 (see attached) addresses the majority of the issues brought up in this section, but we would like to reaffirm that application is for 180 residential units with 20% of them offered as Low Income which is within the 20% allowed deviation from the project we submitted on December 12<sup>th</sup>, thereby vesting our rights under builders remedy. (See Gov. Code, § 65589.5.)

We are confident that this project will comply with all OCFA fire life safety requirements and that we will be able to address any CEQA impacts to the extent they arise in the initial studies.

The enclosed information and attached plans should be sufficient satisfy the 'Deemed Complete' threshold, but to the extent there is additional information required we will continue to work with City staff until we meet that goal.

We look forward to continued discussions on this exciting project.

Sincerely

A handwritten signature in black ink, appearing to read 'Nick Buchanan', with a stylized flourish extending to the right.

Nick Buchanan

La Paz Village Investors, LLC

1010 S El Camino Real, Suite 200, San Clemente, CA 92672



Newmeyer & Dillion LLP  
895 Dove Street  
Fifth Floor  
Newport Beach, CA 92660  
949 854 7000

March 2, 2023

Michael W. Shonafelt  
Michael.Shonafelt@ndlf.com

**VIA EMAIL AND U.S. MAIL**

Larry Longenecker, AICP  
City of Laguna Hills  
24035 El Toro Road  
Laguna Hills, CA 92653  
llongenecker@lagunahillsca.gov

Re: La Paz Village Investors, LLC: 25250 La Paz Road

Dear Mr. Longenecker,

This office represents La Paz Village Investors, LLC ("LPV") with respect to the above-referenced, mixed-use/affordable housing development proposed at 25250 La Paz Road ("Project") in the City of Laguna Hills ("City"). This letter supports LPV's Preliminary Application for the Project ("Preliminary Application"), submitted to the City on December 14, 2022. The Preliminary Application was submitted pursuant to Government Code sections 65941.1 and 65589.5 subdivision (d), colloquially referred to as the "Builders Remedy" of the Housing Accountability Act ("HAA").

The Builder's Remedy arises from Government Code section 65589.5 subdivision (d)(5), which provides, in relevant part, that a "local agency **shall not** disapprove a housing development project ... for very low, low-, or moderate-income households ... or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households" ... **unless** it makes written findings, based upon a preponderance of the evidence in the record" of one of the following:

- (1) The jurisdiction has adopted a housing element in substantial compliance with the Housing Element Law (Gov. Code, § 65580, et seq.), and the jurisdiction has met or exceeded its share of the regional housing need allocation;
- (2) The housing development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households infeasible. A "specific, adverse impact" means a

significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

- (3) The denial of the housing development project or imposition of conditions is required to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
- (4) The housing development project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project;
- (5) The housing development project “is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, **and** the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.”

(Gov. Code, § 65589.5, subd. (d)(1)-(5), emphasis added.) If none of the above findings can be made based on a preponderance of the evidence in the record, and if the housing development project sets aside at least 20 percent of its units for very low or low-income households (or 100 percent for moderate-income households) the Builders Remedy applies. In most cases, a local government cannot make the first four of the above findings. Indeed, the Legislature made clear its intent that any “adverse impacts” findings would be made only “infrequently.” (*Id.*, § 65589.5, subd. (a)(3).) While the fifth finding is the easiest to satisfy, even that finding cannot be made if the local government does not have a compliant housing element. In such cases, the “remedy” is to require approval of affordable housing projects **even** if they are inconsistent with zoning and the jurisdiction’s general plan. (*Id.*, § 65589.5, subd. (d)(1)-(5).)

The above findings can only be made based on the zoning code and housing element as they existed on the date the application was “deemed complete.” (Gov. Code, § 65589.5, subd. (d)(5).) The Housing Crisis Act of 2019 (SB330), amended the Housing Accountability Act to provide that an application is “deemed complete” on the date of submittal of the preliminary application. In this case, it is a matter of record that: (1) LPV submitted the Preliminary Application on December 14, 2022 (<https://www.lagunahillsca.gov/537/Builders-Remedy>); and (2) the City’s Housing Element was classified by the HCD as “out of compliance” on December 14, 2022, and to this day still carries an “out-of-compliance” designation on the California Department

of Housing and Community Development (“HCD”) Housing Element Compliance Report. An excerpt of that report as of February 27, 2023, is presented here:

Element Compliance Status	ADOPTED Count	%	CONDITIONAL Count	%	DRAFT Count	%	INITIAL DRAFT Count	%	NEW CYCLE Count	%	SUBSEQUENT DRAFT Count	%	Total Count	%	Total Jurisdictions
CONDITIONAL	2	0.52%											2	0.37%	
IN	271	70.21%	9	100.00%	1	12.50%	2	2.94%					283	52.50%	
OUT	113	29.27%			7	87.50%	66	97.06%	17	100.00%	51	100.00%	254	47.12%	
<b>Total</b>	<b>386</b>	<b>100.00%</b>	<b>9</b>	<b>100.00%</b>	<b>8</b>	<b>100.00%</b>	<b>68</b>	<b>100.00%</b>	<b>17</b>	<b>100.00%</b>	<b>51</b>	<b>100.00%</b>	<b>539</b>	<b>100.00%</b>	<b>539</b>

County	Jurisdiction	Planning Period	Record Type	Review Status	Date Received	Date Reviewed	Compliance Status
ORANGE	GARDEN GROVE	6	ADOPTED	OUT	11/12/2021	2/10/2022	OUT
ORANGE	HUNTINGTON BEACH	6	SUBSEQUENT DRAFT	IN	8/1/2022	9/30/2022	OUT
ORANGE	IRVINE	6	ADOPTED	IN	5/12/2022	5/24/2022	IN
ORANGE	LA HABRA	6	ADOPTED	IN REVIEW	2/22/2023		OUT
ORANGE	LA PALMA	6	ADOPTED	OUT	10/12/2021	1/10/2022	OUT
ORANGE	LAGUNA BEACH	6	ADOPTED	IN	1/27/2023	2/7/2023	IN
ORANGE	LAGUNA HILLS	6	SUBSEQUENT DRAFT	OUT	8/15/2022	9/28/2022	OUT
ORANGE	LAGUNA NIGUEL	6	ADOPTED	OUT	10/21/2021	1/19/2022	OUT
ORANGE	LAGUNA WOODS	6	ADOPTED	OUT	8/12/2022	10/11/2022	OUT
ORANGE	LAKE FOREST	6	ADOPTED	IN	1/6/2023	2/24/2023	IN
ORANGE	LOS ALAMITOS	6	SUBSEQUENT	IN	11/22/2022	11/23/2022	OUT

(See <https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-review-and-compliance-report>.) The submittal of a preliminary application pursuant to Government Code section 65941.1 gives rise to a vested right to develop a housing development project in accordance with the ordinances, policies, and standards as they were in effect when the preliminary application was submitted. (Gov. Code §65589.5, subds. (d)(5), (o)(1).) Accordingly, because the Preliminary Application was submitted to the City while the City’s Housing Element was out of compliance with the Housing Element Law, the City cannot make any of the required findings under Government Code section 65589.5 subdivision (d) and therefore must comply with the Builders Remedy.

We understand the City’s attorneys have opined, without any evidence, that the City’s Housing Element is, in fact, in “substantial compliance” with the Housing Element Law, despite the HCD’s determination to the contrary. The opinion of the City’s attorneys collides with Government Code section 65589.5 subdivision (d), which requires “**written findings**, based upon a **preponderance of the evidence in the record**” that “the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article ... .” (Gov. Code, § 65589.5, subd. (d)(5), emphasis added.) The Legislature’s requirement to adopt “written findings” supported by a “preponderance of the evidence in the record” concerning the status of the local government’s housing element makes clear that it requires a far higher standard of proving compliance with the Housing Element Law than merely invoking an off-the-cuff assertion of “substantial compliance.”

In fact, all the evidence in the public records overwhelmingly contradicts the assertion of the City’s legal team. The HCD’s September 28, 2022, letter presents a robust analysis -- on a point-by-point basis -- of the Housing Element’s shortcomings. For instance, the HCD’s letter demonstrates that the Housing Element: (1) does not yet feature an assessment of fair housing (Gov. Code, § 65583 subd. (c)(10)(A)); (2) does not set forth “specific commitment, timing, geographic targeting, and metrics” for delivery of fair housing; (3) does not identify an “inventory of land suitable and available



for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment” for designated income levels; (4) does not provide an analysis of the relationship of zoning and public facilities and services to those sites (*id.*, § 65583, subd. (a)(3)); (5) does not identify specific actions to “make sites available during the planning period with appropriate zoning and development standards and with services and facilities” to deliver on RHNA shortfalls for each income level that could not be accommodated in the RHNA inventory (*id.*, § 65583, subd. (c)(1)); (6) does not provide sufficient analysis to demonstrate the potential for redevelopment in the planning period; (7) does not adequately describe, with substantial evidence, how existing uses will not present an impediment to additional residential development (*id.*, § 65583.2, subd. (g)(2)). (See Letter of P. McDougall, Senior Program Manager, HCD, to Larry Longenecker regarding the City of Laguna Hills Sixth Cycle Housing Element, 2021-2029 (HCD, Sept. 28, 2023), enclosed.)

On a final note, the HCD determines compliance to arise as of the date it issues its compliance certification pursuant to Government Code section 65585 subdivision (d). (See Letter of Technical Assistance from HCD, dated October 5, 2022, entitled “3030 Nebraska Avenue, Santa Monica – Letter of Technical Assistance,” enclosed). Until that time, the HCD’s Housing Element Review and Compliance Report identify the City’s Housing Element as “Out of Compliance.” The HCD’s determination is the operative date of compliance under the Housing Element Law. Any conclusion to the contrary would upset the carefully crafted statutory process for obtaining approval of housing elements set forth at Government Code sections 65580, et seq. It also would create confusion throughout the State by allowing contradictory assertions of compliance by local jurisdictions. Finally, it would eliminate the efficacy of the HCD’s objective to provide reliable notice to the public regarding the compliance status of housing elements.

If you have any questions about this letter, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "M Shonafelt", is enclosed in a rectangular box.

Michael W. Shonafelt

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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September 28, 2022

Larry Longenecker, Director  
Community Development Department  
City of Laguna Hills  
24035 El Toro Road  
Laguna Hills, CA 92653

Dear Larry Longenecker:

**RE: City of Laguna Hill's 6<sup>th</sup> Cycle (2021-2029) Revised Draft Housing Element**

Thank you for submitting the City of Laguna Hill's (City) revised draft housing element received for review on August 15, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by conversations on September 19 and 27, 2022 with you and consultants Jennifer Gastelum and Nicole West. In addition, HCD considered comments from ValueRock Investment Partners, Welcoming Neighbors Home, Cape Point Development, Josh Albrectson, and Stevie Grant pursuant to Government Code section 65585, subdivision (c).

The revised draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

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).)*

*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).)*

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element does not meet this requirement. The element should quantify and evaluate the regional housing need allocation (RHNA) by income group and location and provide analysis at the neighborhood or planning area level. Please see the August 2, 2022 review for more information.

Goals, Actions, Metrics, and Milestones: While the element has added actions to various programs, programs must generally be revised with specific commitment, timing, geographic targeting, and metrics to have a significant and beneficial impact on fair housing conditions. As noted in the August 2, 2022 review, programs that should be revised with geographic targeting include Program 5 (Foreclosure Referral Program), 9 (SB 2 Grant Implementation), 13 (Continuum of Care funding), 14 (Displacement Prevention and Mitigation), 15 (Affordable Housing Developer Partnerships), 17 (Accessibility), and 21 (Facilitate Affordable Development on Identified Sites). Programs that should be revised with AFFH metrics include Program 2 (State Franchise Tax Board Code Enforcement), 3 (Housing Rehabilitation), 4 (At-Risk Units), 5 (Foreclosure Referral), 6 (Urban Village Specific Plan), 7 (Zoning Ordinance Update), 8 (Accessory Dwelling Units), 9 (SB 2 Grant Implementation), 12 (CDBG Funding), 13 (Continuum of Care funding), 14 (Displacement Prevention and Mitigation), 15 (Affordable Housing Developer Partnerships), 16 (Fair Housing Program), 17 (Accessibility), and 21 (Facilitate Affordable Development on Identified Sites). Programs that should be revised with specific commitment to timing include Program 5 (Foreclosure Referral Program), 6 (Urban Village Specific Plan), and 8 (Accessory Dwelling Units). In addition, Program 3 should be revised to incorporate a metric such as the percentage of homes rehabilitated in lower-income neighborhoods and Program 18 should be revised to include actions that affirmatively further fair housing with a commitment to adjust should actions not be met.

2. *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).)*

*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... (Gov. Code, § 65583, subd. (c)(1).)*

Suitability of Nonvacant Sites: While the element adds analysis for some sites, sites 81, 101, and 103 must provide additional analysis as described in the prior review to demonstrate the potential for redevelopment in the planning period. In addition, as noted in the August 2, 2022 review, the element should also consider public commenters on the revised draft, particularly the inclusion of sites that have expressed interest in residential development in the planning period.

In addition, while the element notes the replacement ratio for the AV and AP apartments, it must still demonstrate how these apartments will likely redevelop and add a program to implement displacement protection strategies. Please see HCD's prior review for additional information.

As a reminder, as noted in the housing element, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing 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.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

Programs: As noted above, 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.

3. *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).)*

As noted in the August 2, 2022 review, the element must continue to make a diligent effort to include all segments of the community throughout the preparation of the housing element. For example, once revised, the element should be proactively sent out to all stakeholders who have provided public input at any point in the housing element update process. In addition, the element should explicitly evaluate and incorporate, as appropriate, public comments, describe how the element was shaped by public comments, and describe reasons why public comments were not incorporated into the review.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements.

For your information, pursuant to Senate Bill 197 (Chapter 70, Statutes of 2022), as the City did not adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), as of this writing, any rezoning must be completed within one year of the statutory deadline (October 15, 2022). If the element is not found in compliance by October 15, 2022, HCD cannot find the element in compliance until the rezoning is complete.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

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 should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and 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.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the responsiveness, dedication, and hard work you, Jay Wu, Senior Planner; and consultants Jennifer Gastelum and Nicole West provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at [Jose.Ayala@hcd.ca.gov](mailto:Jose.Ayala@hcd.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall  
Senior Program Manager

### Hazardous Waste and Substances Statement

Pursuant to Section 65962.5 of the California Government Code, I have consulted the pertinent Hazardous Waste and Substances Sites Lists (Cortese List), consolidated by the State of California, Environmental Protection Agency and have determined the following:

- | Yes                      | No                                  |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the site(s), including any alternatives, within the California Department of Toxic and Substance Control (DTSC) <u>EnviroStar</u> <sup>1</sup> database?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the site(s), including any alternatives, within the State Water Resources Control Board <u>Geotracker</u> <sup>2</sup> database?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Has the site(s), including any alternatives, been identified by the State Water Resources Control Board as a solid waste disposal <u>site</u> <sup>3</sup> ?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Has the site(s), including any alternatives, listed by the State Water Resources Control Board as "active" with a cease and desist order or been issued a cleanup or abatement <u>order</u> <sup>4</sup> ? |

If any of the above boxes were checked 'yes', the information below is required to be submitted with the project application along with any environmental assessments prepared for the site (e.g. Phase I and Phase II reports):

Name of applicant: LA PAZ VILLAGE INVESTORS, LLC

Address of site (street name and number if available, and ZIP Code): 25254 LA PAZ ROAD, LAGUNA

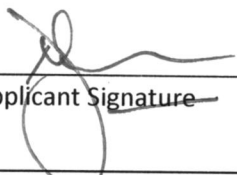
Assessor's parcel number: APN: 620 - 211 - 17 HILLS, CA

Specify any list pursuant to Section 65962.5 of the Government Code:

Regulatory identification number:

Date of list:

I declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct.

  
Applicant Signature

09/17/2023  
Date

<sup>1</sup> The full URL is: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=concord>

<sup>2</sup> The full URL is: <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=concord>

<sup>3</sup> The full URL is: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf>

<sup>4</sup> The full URL is: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CDOCAOList.xlsx>