

entitled and under construction for a development at a density of 55 dwelling units per acre. Inadvertently, the calculations had utilized the higher of the density allowance resulting in an inflated capacity calculation. Staff has forwarded the revisions to HCD staff.

HCD has routinely requested that cities eliminate the conditional use permit (CUP) requirement for multifamily residential projects in multifamily zone districts. The draft housing element recommended by the Planning Commission retained the CUP requirement and described efforts to ensure that the process does not represent an impediment to the provision of housing. In the many discussions with HCD staff, it is clear that this issue remains a point of significant concern and could result in the housing element not obtaining certification. To address this potential constraint, staff is proposing to amend the zoning code to exempt all multifamily residential projects in multiple family zone districts from the conditional use permit requirement. Staff proposes that multifamily development in all zone districts will still be subject to CMC Section No. 9172.23, Site Plan and Design Review, to protect the public health, safety, welfare and to assure the development of quality multiple family residential projects.

With the abovementioned revisions, staff believes that all comments received by HCD staff have been adequately addressed. Efforts will be made to obtain final HCD comments prior to the public hearing. The draft resolution includes all proposed revisions to the draft housing element.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Planning Commission staff report and meeting minutes of May 12, 2009.
(pgs. 6-40)
2. Government Code Sections 65580-65589.8. (pgs. 41-80)
3. Resolution No. 10-091. (pgs. 83-84)
4. Negative Declaration and Initial Study. (pgs. 84-112)
5. 2006-2014 Housing Element Update. (under separate cover)
6. Letter from HCD dated September 7, 2010. (pgs. 113-115)

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