

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

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September 28, 2022

Christina Horrisberger, Director
Director of Community Department
City of San Mateo
330 West 20th Avenue
San Mateo, CA 94403

Dear Christina Horrisberger:

RE: City of San Mateo's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of San Mateo's (City) draft housing element received for review on July 1, 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 a conversation on August 31, 2022 with yourself, Zachary Dahl, Eloiza Murillo-Garcia, Manira Sandhir, Nicholas Vu, and consultant Diana Elrod. In addition, HCD considered comments from Housing Leadership Council, YIMBY Law and Greenbelt Alliance, One San Mateo, Adam Nugent, and Adam Buchbinder pursuant to Government Code section 65585, subdivision (c).

The 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). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

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, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional

housing needs allocation (RHNA), including for lower-income households, shall 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).

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.

We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Hillary Prasad, of our staff, at Hillary.Prasad@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF SAN MATEO

The following changes are 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/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/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

The review requirement is one of the most important features of the element update. The review of past programs should analyze the City's accomplishments over the previous planning period. This information provides the basis for developing an effective housing program.

A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. While the element describes actual results of the prior element's programs, it must provide a description of how the objectives and programs of the updated element incorporate changes resulting from the evaluation.

As part of the evaluation of programs in the past cycle, the element must analyze the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.

B. 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).)*

Fair Housing Issues: The element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use and investment practices or other information and demographic trends.

Enforcement: While the element lists fair housing laws in Appendix D, it must state whether the City complies with federal and state fair housing laws. If the City does not currently comply, a program should be added as appropriate.

Integration and Segregation: The element provided some data regarding segregation and integration of race, disability, familial status, and income. The element must describe the census tracts that have geographic concentrations of race (i.e., concentrations identified as white majority). In addition, the element must discuss and analyze data on persons with disabilities for trends over time and patterns across census tracts as well as evaluate patterns at a regional basis, comparing the City to the region. The element must also include a local and regional analysis of integration and segregation for familial status. Lastly, the element must describe and analyze concentrations of income geographically throughout the City.

Racial/Ethnic Areas of Concentration of Poverty and Affluence (R/ECAP): The element includes information relative to R/ECAP within the City but should also analyze where they are in the region. The element must also address concentrated areas of affluence both locally and regionally. The combination of the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. The analysis should evaluate the patterns and changes over time at a local (e.g., neighborhood to neighborhood) and regional level (e.g., city to region).

Disproportionate Housing Needs including Displacement: While the element includes some data on disproportionate needs, additional information is needed. The element must describe any geographic concentration of cost burden and overcrowding by tenure, as well as any concentrations of substandard housing both locally and regionally. In addition, the element must describe and analyze the census tracts with displacement risk. While the map depicts a lot of areas vulnerable to displacement, this must be supported with an analysis.

Sites Inventory: While the element includes a summary of some factors, the analysis must identify whether sites improve or exacerbate conditions and whether sites are isolated by income group. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups and how that affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).

Contributing Factors: The element identifies many contributing factors to fair housing issues. The element must prioritize these factors to better formulate policies and programs and carry out meaningful actions to Affirmatively Furthering Fair Housing (AFFH). In addition, the element must describe how the actions in Appendix D Fair Housing Plan are tied to the housing element programs and include implementation.

Goals, Actions, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must

specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Extremely Low-Income Households (ELI): The element must quantify the number of existing and projected ELI households, and also analyze their housing needs. The analysis of ELI housing needs should consider tenure and rates of overpayment.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Overpayment: The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).

Housing Costs: While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., local knowledge).

4. *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).)*

Progress in Meeting the Regional Housing Need Allocation (RHNA): The City's RHNA may be reduced by the number of new units built since June 30, 2022; however, the element must demonstrate their affordability based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions). The element should also discuss the status, any barriers to development and other relevant factors to demonstrate their availability in the planning period.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements and typical densities of existing or approved residential developments at a similar affordability level. The element currently assumes realistic capacity at 100 percent of base zoned density for multifamily units in R-3, R-4, and R-5 zones. The analysis must provide substantial support and demonstrate a history of developing at maximum density within the City. Examples to support realistic capacity assumptions should also include affordability levels, and percent of maximum densities.

The calculation of residential capacity must also account for the likelihood of residential development in zoning where 100 percent nonresidential uses are allowed. The analysis should be based on factors such as development trends including nonresidential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs. For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

Small and Large Sites: Sites smaller than an half acre and larger than 10 acres in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).). For example, a site with a proposed and approved housing development that contains units affordable to lower-income households would be an appropriate site to accommodate housing for lower-income households. (Gov. Code, § 65583.2, subd. (c)(2)(C).) In addition, the element must describe feasibility of the Hillsdale and Bridgepointe sites including likelihood of development during the planning period, whether a specific plan is needed, and if the existing uses will remain. Lastly the element must describe a history of lot consolidation as a method of developing housing as well as whether the City has any incentives to consolidate lots with different owners.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element describes in general the existing use of each nonvacant site, for example, “commercial” or “parking lot”. This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, the element must analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as parking lots, church, gas station, an auto repair, and a warehouse; but must also demonstrate whether these existing uses would impede development of these sites within the planning period. The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. The element could also consider indicators such as age and condition of the existing structure, expressed developer interest, existing versus allowable floor area, low improvement to land value ratio, and other factors.

In addition, 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 regional housing need allocation.

City-Owned Sites: The element must include additional discussion on each of the City-owned sites identified to accommodate the RHNA. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

Replacement Housing Requirements: If the sites inventory identifies sites with existing residential uses, it must identify whether the current residential uses are affordable to lower-income households or describe whether the additional residential development on the site requires the demolition of the existing residential use. For nonvacant sites with existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years there must be a replacement housing program for units affordable to lower-income households. (Gov. Code, § 65583.2, subd. (g)(3).) Absent a replacement housing program, these sites are not adequate sites to accommodate lower-income households. The replacement housing program has the same requirements as set forth in Government Code section 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program, if necessary.

Previously Identified Nonvacant and Vacant Sites: If nonvacant sites identified in a prior adopted housing element or vacant sites identified in two or more consecutive planning periods, the sites are inadequate to accommodate housing for lower-income households unless:

- The site's current zoning is appropriate for the development of housing affordable to lower-income households by either including analysis or meeting the appropriate density and
- The site is subject to a housing element program that requires rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower-income households. (Gov. Code, § 65583.2, subd. (c).)

Accessory Dwelling Units (ADU): The element projects 480 ADUs over the planning period or approximately 60 ADUs per year over the eight-year planning period. The element also notes permitting 44 ADUs in 2019, 47 in 2020, and 66 in 2021. The trend does not consider the number of permits in 2018 (eight ADUs) and does not support an assumption

of 60 ADUs per year. To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year and reconcile trends with HCD records, including additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. Further, programs should commit to additional incentives and strategies, frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., six months) if needed.

AB 725: For jurisdictions that are considered Metropolitan, the element must identify at least 25 percent of the remaining moderate and above moderate RHNA on sites that allow at least four units of housing (e.g., four plex or greater) (Gov. Code, § 65583.2, subd. (c)(4)).

Infrastructure: While the element includes a general discussion on water and sewer capacity, it must demonstrate sufficient existing or planned water and sewer capacity to accommodate the City's regional housing need for the planning period. (Gov. Code, § 65583.2, subd. (b).). In addition, the element generally mentions infrastructure constraints for infill development. The element must describe and analyze the constraints as well as their impacts on the identified sites to meet the RHNA.

For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. HCD recommends including a cover memo describing the City's housing element, including the City's housing needs and regional housing need. The element should demonstrate compliance with these requirements and add or modify programs, if necessary. For additional information and sample cover memo, see the *Building Blocks* at <https://www.hcd.ca.gov/priority-for-water-and-sewer>.

Environmental Constraints: While the element generally describes a few environmental conditions within the City (p. H-B-44), it must relate those conditions to identified sites and describe any other known environmental or other constraints that could impact housing development on identified sites in the planning period.

Zoning for a Variety of Housing Types:

- **Emergency Shelters:** The housing element must 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 particular, the element describes development standards for emergency shelters; however these standards are beyond the development standards allowed under housing element law. The element must demonstrate that emergency shelters are subject to the same development and management standards applicable to residential or commercial development within the same zone except for those standards prescribed by Government Code section 65583 (a)(4)(A). The element must also clarify that emergency shelters are allowed

without discretionary action in the C2 zone and describe sufficient and suitable capacity in the identified zone. In addition, the element should describe how emergency shelter parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.

- *Low Barrier Navigation Centers*: While the element includes a program to allow Low Barrier Navigation Centers, it is limited to emergency shelter zones. Low Barrier Navigation Centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65660. The element must demonstrate compliance with this requirement and include programs as appropriate.
- *Single Room Occupancy (SRO) Units*: The element must describe where SROs are allowed or add a program as appropriate.
- *Manufactured Housing*: The element must clarify whether manufactured homes are subject to additional regulations beyond state law if on a permanent foundation and add a program as needed.
- *Accessory Dwelling Unit (ADU)*: The element indicates the City modifies its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the City's ordinance, HCD discovered several areas which are not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance in order to comply with state law. For more information, please consult HCD's ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development.

5. *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).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to parking, heights, lot coverage and limits on allowable densities. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints. The element must analyze the maximum heights of 35 feet in multifamily zones and whether three-story buildings are allowed as well as whether allowed densities can be met in the TOD Hillsdale Station with a 24-foot height restriction. The element should also analyze the open space requirements for the R-3 zone. In addition, the element should analyze requiring more than one parking space for studio and one-bedroom units and the minimum requirement of 2.2 spaces for 1,400 square foot units regardless of bedroom size and add programs to specifically address the constraints. In addition, the element should clarify

how multifamily developments are allowed in the E and C zones and whether they require a use permit. Both in the element and in public comments, height restrictions, floor area definitions, maximum densities of 50 dwelling units an acre, and design review guidelines were identified as constraints to development and should be addressed in programs as appropriate.

Fees and Exaction: The element must describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. While Table 4 lists fee deposits, the element should also include typical fees for each and clarify whether the fees are the same for single family and multifamily developments. The element should also identify fees related to annexation, variances, conditional use permits (CUP), general plan amendments, zone changes, site plan review, planned unit developments, specific plans, development agreements, and environmental fees. Table 6 should also describe the typical fees as a percent of the total development cost for both single family and multifamily developments and add a program as appropriate.

Local Processing and Permit Procedures: While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information, specifically for special use permits, site plans and architectural review (as well as whether finding five is related to a crime free ordinance). The analysis should address impacts on housing cost, supply, timing and approval certainty. The element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate. The element should also clarify whether the listed typical approval times are for both single family and multifamily developments. Lastly, it should clarify whether the preapplication process adds six to nine months in addition to the typical approval times listed and add or modify programs as appropriate.

Local Ordinances: While the element identifies the City's community benefit program, it must describe whether the incentives are in addition to state density bonus law. The element must clarify how the 75 dwelling units an acre allowed using the community benefit program interacts with the restricted densities under measure Y. In addition, the element must describe how the inclusionary program, community benefit program, and state density bonus law interact with incentives provided.

Zoning Fees and Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards, and inclusionary requirements for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1(a)(1).

Measure Y: The element must describe the impacts of measure Y on height and density restrictions as a constraint on housing development and affordability. The element must add a program to include outreach and mitigation measures for the impact of Measure Y

on housing development throughout the planning period. The element should analyze the measure as a constraint on development based on site suitability for development.

State Density Bonus Law: The City's current density bonus ordinance should be reviewed for compliance with current state density bonus law and programs should be added as necessary. (Gov. Code, § 65915.)

Design Review: 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 include a program to address this permitting requirement, as appropriate.

On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width) and analyze their impact as potential constraints on housing supply and affordability.

Constraints on Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation procedures. However, the element should also describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities. In addition, the element states that Policy H.1.14 commits to revise the definition of family, but there are no actions within the program to revise the definition of family to remove constraints. The element must add or revise a program to remove the constraints as noted. Lastly, group homes for seven or more persons appears to be excluded from several zones allowing residential uses and subject to a CUP. The element should evaluate these requirements as constraints and include specific commitment to amend zoning and permit procedures to allow these uses in all residential zones with objectivity to facilitate approval certainty.

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... 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).)*

Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

7. *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).)

Special Needs Populations: 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, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. In addition, the element must quantify and analyze the number of elderly persons in the City.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element. (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

- Policy 1.2 (Utilize Public Funding): This program should include proactive outreach to developers throughout the planning period as well as a geographic target for the metric.
- Policy 1.4 (Incentivize ADU Development): This program should revise action C to include discrete timing of how often it will be completed and monitored. In addition, action D should include back-up actions if estimates are not met (e.g., identify additional sites or provide additional incentives) as well as monitor affordability.
- Policy 1.5 (Encourage Family Housing): The program should include back-up actions, with specific timing, if the identified incentives are not implemented.
- Policy 1.6 (Streamline Housing Application Review): Action B must include specific timing of when permit application requirements will be updated. In addition, the timing of action C must be completed earlier in the planning period.
- Policies 1.15 (Supportive Housing Requirements) and 1.16 (Mobile Home Parks): These programs must revise timing to be implemented earlier in the planning period for a beneficial impact.
- Policy 1.17 (Farmworker Housing): This program must move up timing to be implemented earlier in the planning period. In addition, the program should cite the government code for farmworker housing.
- Policy 1.18 (Permitting and Development Fee Review): This program must clarify timing in Action A, specifically whether the study will be complete within the

identified timeframe or if the fees will be reduced by that date. In addition, Action B must specify when the first review will occur and when adjustments will take place.

- Policy 1.19 (Senior Housing): This program must clarify what potential actions will be implemented for seniors as well as whether other special needs groups are included in the program.
- Policy 2.1 (Housing Rehabilitation Efforts), 2.3 (Energy and Water Efficiency), 3.4 (Expand Tenant Protections), and 4.3 (Community Education and Outreach): This program must describe how often outreach will occur throughout the planning period.
- Policy 3.3 (Evaluate Housing Revenue Sources): This program must describe the implementation component for action A.
- Policy 3.5 (Creation of Below Market Rate Set Asides): This program must add implementation and timing for what will result from the study.
- Policy 4.2 (Countywide Below Market Rate Unit Waitlist): This program must clarify how support will be provided as well as how often throughout the planning period.
- Policy 4.4 (Enable Affirmative Marketing): Timing must be clarified to state whether the marketing will occur once in the planning, or on a project-by-project basis.
- Policy 5.1.2 (Regional Down Payment Assistance): This program should include outreach for education.
- Policy 5.2.2 (Incentivize Developers): This program must clarify whether incentives are in place, timing to implement the incentives, as well as conducting proactive outreach.
- Policy 5.3.2 (Fund Minor Home Repairs): The program should clarify how often outreach will occur as well as specify whether the metrics are annually or throughout the planning period.
- Policy 5.4.2 (Project Sentinel): This program should be revised to include outreach and describe how awareness will be increased.
- Policy 5.4.3 (Fair Housing Webpage): This program should describe how often the website will be updated and whether outreach will be included.
- Policy 5.4.5 (Future Improvements in Disadvantaged Communities): This program must include an action to implement the feasibility study as well as a back-up if the study is not implemented.

2. *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).)*

As noted in Finding B4, 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. In addition, the element should be revised as follows:

Policy 1.1 (Monitor RHNA): While this program ensures sufficient sites are identified, it should commit to identifying additional sites throughout the planning period if needed to accommodate the City's RHNA.

Policy 1.10 (Establish By-Right Housing for Prior Housing Sites) and 2.6: Previously identified nonvacant sites are inadequate to accommodate the need for lower-income households unless the site is subject to a housing element program that requires rezoning within three years of the beginning of the planning period to allow residential use by-right for housing developments in which at least 20 percent of the units are affordable to lower-income households. (Gov. Code, § 65583.2, subd. (c).) The program must be revised to comply as well as clarify that the densities for the identified sites are appropriate for lower-income households. In addition, timing of Policy 2.6 should occur no later than 3 years from the start of the planning period.

Policy 1.12 (Encourage Residential Uses within Housing Overlay): The program must clarify which commercial zones will be included in the program actions.

Policy 2.4 (Capital Improvements in Lower-Resourced Neighborhoods): The program should describe what capital improvements will be included.

Policy 3.7 (Expanding Homeless Shelters): This program must clarify implementation actions after the study in action A. In addition, a government citation must be added for Action C and implementation timing must be earlier in the planning period to ensure beneficial impact.

3. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

While the element includes Policy 5.1.3 (Regional Forgivable Loan Program) to support the regional program to assist ELI households, it is a regional policy. The element should specify what actions the City is taking to address the ELI need. The program should also specify whether proactive outreach will occur to implement the program.

4. *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).)*

As noted in Findings B5 and B6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:

- Policy 1.3 (Increase Below Market Rate Unit Production): This program should be revised to include an action to comply with State Density Bonus law as well as specific timing for implementation. The program should clarify whether the action currently listed is in addition to state law requirements.
- Policy 1.7 (Update Zoning Code Development Standards): This program must make a firm commitment to remove parking requirements that are a constraint to multifamily development.
- Policy 1.13 (Encourage Development of Missing Middle Housing): This program should include specific implementation and specify whether the identified policies and codes will be revised to remove constraints.
- Policy 1.14 (Evaluate and Update Special Needs Group Housing Requirements): This policy should commit to reviewing and revising procedural requirements to permit group homes for seven or more persons in all zones allowing residential uses based on objective criteria to facilitate approval certainty. In addition, the program must be implemented earlier in the planning period to ensure a beneficial impact.

5. *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).)*

As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

While programs in Table 13 include specific timelines, all programs in the element that AFFH must include specific metrics and milestones with geographic targets that address the fair housing analysis. In addition, Policy 5.2.1 (City Supported Housing) should specify what actions will be taken to add more affordable housing to moderate and high resource areas as well as whether incentives are provided.

6. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

Policy 2.2 (Retention of Existing Lower-Income Units) and 5.3.3 (Monitor Affordable Housing Projects) should reference State Preservation Notice Law (Gov. Code, § 65863.10, 65863.11, and 65863.13) and state noticing requirements to tenants and affected public entities. The program should also be expanded to include other potential at-risk properties not included in the analysis. HCD will send additional information under separate cover.

D. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives for construction, it must also include estimates for rehabilitation and not limit conserved units to at-risk properties.

E. Public Participation

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).)

While the element includes a summary of public participation including outreach to the community, it must also describe whether translation services were available outside of the Lets Talk Housing sessions.

F. Consistency with General Plan

The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)

While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.