

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

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September 14, 2022

Brian Dossey, City Manager
Town of Colma
1198 El Camino Real
Colma, CA 94014

Dear Brian Dossey:

RE: Town of Colma's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the Town of Colma's (Town) draft housing element received for review on June 16, 2022, with revisions received on September 2, 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 17, 2022 with you, and the Town's consultants Alvin Jen, Claire Smith, Farhad Mortazavi, and Brad Donohue from CSG Consultants.

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 revisions needed to comply with State Housing Element Law.

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). Please be aware, if the Town fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the Town 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.

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 Town meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the Town 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 is committed to assisting the Town in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Molivann Phlong, of our staff, at Molivann.Phlong@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long, sweeping horizontal line extending to the right.

Melinda Coy
Proactive Housing Accountability Chief

Enclosure

APPENDIX TOWN OF COLMA

The following changes are necessary to bring the Town'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).)

A thorough program-by-program review is necessary to evaluate Town's performance in addressing housing goals. As part of this analysis, the element should describe how the goals, policies and programs of the updated element incorporates what has been learned from the results of the previous element. This information and analysis provide the basis for developing a more effective housing program. While many programs were identified as being effective last cycle and will continue without modification, the metrics indicated that the programs were not implemented. The element must state how the programs will be revised to be more effective.

In addition, as part of the evaluation of programs in the past cycle, the element must provide an explanation of 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).

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 Enforcement and Outreach: The element must include the Town's ability to provide enforcement and outreach capacity, such as the Town's ability to investigate complaints, obtain remedies, or the Town's ability to engage in fair housing testing. The analysis should also clarify if the Town provides fair housing information in a variety of languages. While the element currently states that no fair housing complaints were filed in the Town of Colma between the years 2017-2021, it also states that outreach could be

improved. A program should be added to address needed improvements and provide fair housing outreach throughout the planning period. In addition, the appendix lists many fair housing laws but does not state how the Town complies with those law. If the Town does not currently comply, a program should be added to address this need.

Integration and Segregation: The element includes some data on integration and segregation at the regional and local level; however, additional information is needed. The analysis of race and ethnicity must describe regional trends and patterns over time. While the element included data in a chart in Appendix B1, it should analyze the data provided. In addition, as the Town is in one census tract, the element must supplement this analysis with local knowledge on patterns and geographic trends within the Town. Lastly, the household income graphs demonstrated a significantly higher poverty rate for African Americans in comparison to other ethnicities within the Town, an analysis and program should be added as needed.

Access to Opportunity: While the element provides some information on the access to opportunity, the element must include further analysis on access to economic opportunity and the environment. For example, the element states that the Town scores relatively low on economic access compared to surrounding jurisdictions, the element should include a regional analysis for access to jobs beyond the summary sentence. While the element includes a local analysis in relation to environmental access to opportunity, a regional analysis must also be included.

Disproportionate Housing Needs and Displacement Risk: The element includes some data on overcrowding, homelessness, and cost-burdened households. While it states that there is potential concentration of cost burden, the element should describe what contributes to the concentration in the identified areas as well as include a regional analysis. The section analyzing homelessness includes data on the regional homeless population but should also include data on the number of homeless individuals in the Town of Colma. The section analyzing displacement should further expand on local analysis regarding vulnerability to displacement as well as potential displacement due to the San Andreas Fault.

Contributing Factors: While the element provided a list of contributing factors, they must also be prioritized and tied to fair housing issues and programs. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.

Site Inventory: The element must include an analysis demonstrating whether sites identified to meet the regional housing needs allocation (RHNA) are distributed throughout the community in a manner that affirmatively furthers fair housing. 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 effects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to mitigate this (e.g., anti-displacement strategies).

Goals, Priorities, Metrics, and Milestones: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element includes an Affirmatively Furthering Fair Housing (AFFH) Action Plan separate from the element's policies and programs. If action is being taken on the AFFH Action Plan, this must also be included in the programs section. Programs also need to be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results.

In addition, the Action Plan identified an objective for Action 1.1 which would provide down payment assistance. However, the element must include specific metrics and milestones and specify what providing homebuyer education entails. For Action 2.1 in the Action Plan, the element could include stronger metrics to evaluate the progress of this action prior to 2029 or by including objectives midpoint in the planning period. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/affirmatively-furthering-fair-housing>.

2. *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: While the element identifies the total number of overpaying households, it must quantify and analyze the number of overpaying households by tenure (i.e., renter and owner) and the lower-income households paying more than 30 percent of their income on housing.

Extremely Low-Income Households: The element must quantify projected extremely low-income (ELI) households and analyze their housing needs. The analysis of ELI housing needs could consider tenure and rates of overcrowding and overpayment. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/extremely-low-income-housing-needs>.

Vacancy Rate: While the element provides the overall vacancy rate, it must quantify and analyze the vacancy rate by tenure (i.e., renter and owner).

Housing Stock Conditions: The element identifies the age of the housing stock. However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/housing-stock-characteristics>.

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).)*

The Town has a RHNA of 202 housing units, of which 69 are for lower-income households. To address this need, the element relies on vacant sites, nonvacant sites, and nonresidential sites that allow residential uses. To demonstrate the adequacy of these sites and strategies to accommodate the Town's RHNA, the element must include complete analyses:

Sites Inventory: The element must list sites by each property's general plan and zoning designation, describing existing uses for any nonvacant sites and include a calculation of the realistic capacity of each site. While the element includes most requirements, the inventory must list whether each site is vacant or nonvacant, whether it has been identified in the 4th or 5th cycle planning period, as well as the general plan and zoning designations. For additional information and sample sites inventory, see the Building Blocks at <https://www.hcd.ca.gov/inventory-of-suitable-land>.

Pursuant to Government Code section 65583.3, subdivision (b), the Town 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/housing-elements-hcd> or a copy of the form and instructions. The Town can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Please note, upon adoption of the housing element, the Town must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

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, 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. The element also needs to analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow nonresidential uses (e.g., mixed-use). This analysis should consider whether the mixed-use zone allows for 100 percent commercial or residential development and 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/analysis-of-sites-and-zoning>.

Suitability of Nonvacant Sites: While the element identifies nonvacant sites to accommodate the regional housing need for lower-income households, it provides little description of the potential for redevelopment. The element must further describe the methodology used to determine the additional development potential within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).) For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the

inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment. The element must also address whether the identified environmental and topographical constraints were considered in the suitability of the sites. In addition, the element must provide an analysis of the nonvacant parking lot site listed as an “additional site” on page H-59.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during 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.

Planned Development Permit: The element indicates that a Planned Development (PD) permit is the best way to develop the sites identified in the inventory. However, it must describe and analyze the permit processing procedures impacts as potential constraints on housing supply and affordability, particularly for residential development affordable to lower-income households. The analysis must address whether the sites can develop at assumed capacity with the base zone, or whether a PD is required to develop at assumed capacity. In addition, the element must address the findings and approval procedures for a PD permit and whether it is discretionary, or a constraint on multifamily development. For additional information, see the *Building Blocks* at <https://www.hcd.ca.gov/processing-permitting-procedures>.

Suitability and Availability of Infrastructure: While the element describes water and sewer infrastructure for some sites, it must demonstrate sufficient water and sewer capacity for all sites. The element must also demonstrate sufficient existing or planned dry utilities supply capacity, including the availability and access to distribution facilities to accommodate the Town’s regional housing need for the planning period (Gov. Code, § 65583.2, subd. (b).). For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental>.

Sites with Zoning for a Variety of Housing Types:

- **Multifamily Zoning:** While the element appears to indicate that multifamily developments of up to 6 units is allowed in the R Zone and C Zone with a Conditional Use Permit (CUP), the element must describe zoning that allows for projects greater than six units. In addition, the element must analyze the CUP requirement for multifamily as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the CUP and their potential impact on development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it. For additional information, see the *Building Blocks* at <https://www.hcd.ca.gov/processing-permitting-procedures>.

- Emergency Shelters: Program 4.3 allows for an emergency shelter in the Commercial (C) district. However, the element must demonstrate permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters or include a program to do so. In addition, emergency shelters must only be subject to the same development and management standards that apply to residential or commercial development within the same zone except for those standards prescribed by statute. Also, the element must analyze policies and procedures to accommodate Low Barrier Navigation Centers pursuant to AB 101. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/zoning-for-a-variety-of-housing-types> and HCD's SB 2 memo at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2_memo050708.pdf.
- Transitional and Supportive Housing: Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) The element must describe and analyze the Town's transitional and supportive housing standards and codes and demonstrate consistency with Section 65583(c)(3) or add or revise programs which comply with the statutory requirements. In addition, the element must have policies and procedures to accommodate AB 2162. The element should also describe the Town's procedure for complying with Government Code section 65651, subdivision. Section 65651 requires jurisdictions to allow supportive housing by right in zones allowing multifamily housing, including mixed-use and nonresidential zones when the development meets certain requirements.
- Single Room Occupancy (SRO) Units: SROs are an important housing type for extremely low-income households. The element must address where the zoning code allows for SROs.
- Housing for Farmworkers: The element must identify sufficient sites to accommodate the need for farmworker housing and include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for agricultural employees, permanent and seasonal. For example, the analysis could describe zoning available to accommodate various housing types, such as manufactured homes, apartments, boarding houses, or single-room occupancy units, to address the needs of farmworkers. In addition, the element must demonstrate the zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. For additional information and sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/farmworkers>.

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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (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 (e.g., multifamily rental housing, mobilehomes, transitional housing). The analysis must also evaluate the cumulative impacts of land use controls on the cost and supply of housing, including the ability to achieve maximum densities and cost and supply of housing. The analysis should also describe past or current efforts to remove identified governmental constraints. The element must also address whether three stories are possible within the 36-foot height limit in the R and C zones and whether garages are required within the front setback. The element should include programs to address or remove the identified constraints. In addition, the element must describe what uses are allowed in each zone, including the mixed-use zone and the commercial overlay.

Parking: The element states that 1.5 parking spaces are required for studio and one-bedroom units. The element also states that the PD process could be utilized to remove the potential constraint. Requiring a discretionary process to remove an identified constraint should be addressed and the element should include a program to address the parking requirements.

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

Fees and Exaction: While the element describes some fees, it 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. The element also demonstrates that fees for multifamily developments are significantly higher than single-family fees on a per unit basis. The element must include a program to address this constraint.

Local Processing and Permit Procedures: While the element describes some of the use permit procedures, it must further describe and analyze the Town'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 must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and time for typical single- and multifamily developments, including type of permit, level of review, approval findings and any discretionary approval procedures. The element should describe the average processing time for both single and multifamily developments. In addition, as stated above the element must also describe and analyze the findings and approval

procedures for a conditional use permit for multifamily projects and planned development process for development of sites. In addition, the element should describe the development standards for mixed-use zones. Lastly, the element must describe its streamlined, ministerial approval process pursuant to SB 35.

For additional information and sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/processing-permitting-procedures>.

Inclusionary Housing: The element must further describe and analyze the inclusionary housing requirements and their impacts as potential constraints on the development of housing for all income levels, specifically on housing supply and affordability. The analysis must evaluate the inclusionary policy's implementation framework, including levels of mandated affordability and the types of options and incentives offered to encourage and facilitate compliance with the inclusionary requirements. For rental inclusionary housing provisions, the analysis should demonstrate consistency with requirements of Government Code section 65680 (g) which requires provision of alternative means of compliance that may include, but are not limited to, in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units. The Town could engage the development community to facilitate this analysis.

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 it must include a program to address this permitting requirement, as appropriate.

Current Density Bonus: The Town's current density bonus ordinance should be reviewed for compliance with current state density bonus law. (Gov. Code, § 65915.) A copy of the current law is available on HCD's website at http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV. For additional information and a sample ordinance, see the Building Blocks at <https://www.hcd.ca.gov/assist-in-the-development-of-housing>.

Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. For example, the analysis must describe any zoning code definitions of family and any spacing or concentration requirements for housing for persons with disabilities. The element must also describe and demonstrate the Town has a reasonable accommodation process and procedure for providing exception in zoning and land use or include a program to do so. (Gov. Code, § 65583, subd. (c)(1)(3).) For additional information and sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/constraints-for-people-with-disabilities>.

In addition, the element must describe and analyze whether residential care facilities serving six or fewer persons are permitted in all residential zones. The element must

also describe and analyze the process for residential care facilities serving seven or more persons. As a potential constraint on housing for persons with disabilities, the element should add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty.

Local Ordinances: The element must further specifically analyze locally adopted ordinances, such as but not limited to, inclusionary ordinances or short-term rental ordinances, that directly impact the cost and supply of residential development.

Water Sewer Priority: 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 Town's housing element, including the Town's housing needs and regional housing need. For additional information and sample cover memo, see the Building Blocks at <https://www.hcd.ca.gov/priority-for-water-and-sewer>.

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. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

The element must describe and analyze the availability of financing, the price of land, and cost of construction as a potential constraint on housing production. When analyzing the availability of financing, the element could consider other relevant factors such as down payment assistance to lower-income households and homeowner association fees. For additional information, see the Building Blocks at: <https://www.hcd.ca.gov/projected-housing-needs-rhna>.

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.

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 through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, all programs should be evaluated to ensure inclusion of the following:

- a description of the Town's specific role in Implementation.
- definitive implementation timelines.
- objectives, quantified where appropriate.
- identification of responsible agencies and officials.
- programs containing unclear language (e.g., "Evaluate"; "Consider"; "Encourage"; etc.) should be amended to include more specific and measurable actions.

Programs to be revised include the following:

- Program 1.1 (Manufactured Housing Design Standards): The program must clearly include an action to complete as well as proactive outreach.
- Program 2.2 (Accessory Dwelling Units (ADU)): The program must be revised to describe how often outreach will occur. In addition, the program states that incentives will be provided if ADU assumptions are not met, but the element does not include any ADU assumptions. The program must clarify what incentives will be implemented as well as the timing of the survey and outreach materials.
- Program 3.2 (Density Bonus Provisions for Affordable Housing): The program must clarify whether the Town's density bonus ordinance is currently compliant with state law. If the ordinance was last updated in 2005, the program must commit to updating the density bonus ordinance for compliance with state law within one year of the start of the planning period.

- Program 3.3 (High-Density Housing Near Colma and South San Francisco BART Stations): This program must clarify implementation and timing of the actions.
- Program 3.4 (Planner Responsibility to Promote Affordable Housing and Mixed-Use): This program should include proactive outreach and list potential incentives. The program should also clarify the implementation action.
- Program 3.5 (Planned Development Zoning Provisions for Single Family Attached Development): This program should clarify the purpose and action of the program.
- Program 3.7 (Inclusionary Housing): This program should clarify the implementation action as well as the timing of implementation.
- Program 3.8 (Development Agreement): This program must clarify when public benefits are required, as well as whether the requirements are currently in place or need to be implemented. If the requirements are not currently in place, the program must include timing to implement the requirements.
- Program 3.9 (Funding District): The program must clarify the action as well as whether additional fees will be added.
- Program 4.1 (Reasonable Accommodations Ordinance Public Information, Ordinance Amendment and Monitoring): This program must include specific timing for implementation.
- Program 4.2 (Senior Housing): This program should include preservation of at-risk properties. The program must also include a specific implementation action as well as timing for implementation.
- Program 4.3 (Emergency Shelters): This program must clarify what will be implemented. In addition, it must clarify whether the description of emergency shelters is already in place or needs to be implemented.
- Program 4.4 (Inform Local Developers of Opportunities to Provide Transitional and Supportive Housing): The element must clarify what the implementation action is regarding transitional and supportive housing. If the Town does not comply with state law for transitional and supportive housing, this program must be implemented within the first year of the planning period. In addition, the program should include timing of outreach.
- Program 4.5 (Transitional and Supportive Housing): The program must clarify the implementation action and timing.
- Program 4.6 (Reach Out to Local Service Providers): The program should state when the program will be developed and how often outreach will occur. The program should also clarify what actions will be taken.
- Program 5.1 (Knowledgeable Housing Referral): The program should include specific actions, implementation timing, and proactive outreach.
- Program 5.2 (Human Investment Project Support): This program should include specific timing for proactive outreach.
- Program 5.3 (Section 8 Rental Assistance): This program should include timing of how often outreach will occur.
- Program 5.4 (Housing Recordkeeping): The program must clarify the action as well as whether units will be surveyed for condition.

- Program 5.5 (Address needs of Extremely Low-Income Households): The program should include an implementation of actions or results after the identified meetings.
- Program 6.1 (Greenbuilding Regulations for Residential Uses): This program should be revised to implement after the study is completed. The program must also clarify when the study will be completed.
- Program 6.2 (Encourage Use of Energy Conservation Measures): This program should include proactive outreach and timing for outreach.
- Program 7.1 (Rebuilding Together Peninsula): This program should clarify how often it will be implemented during the planning period.
- Program 7.2 (Neighborhood Improvement): This program should include timing for what will be considered. In addition, the program must clarify whether it includes a crime free ordinance. If so, it should be analyzed as a constraint on fair housing. The program should also clarify what action is being implemented if the element states that it is complete.

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 B3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town 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:

Program 3.1 (Planned Development Districts and Mixed Use) and 3.6 (Ensure No Net Loss of Required Units): These programs must clarify whether they are rezone programs for identified sites. If a rezone is required, the program must include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period. (Gov. Code, § 65583.2, subd. (h) and (i).). If a rezone is not needed to accommodate the RHNA, the program must clarify the implementation component of this program. In addition, Program 3.6 must clarify which three sites it applies to as well as timing of implementation.

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. See Government Code section 65583.2, subdivision (c)(3), 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).).

Replacement Housing Requirements: If the sites inventory identifies sites with existing residential uses, it must identify whether they 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.

Accessory Dwelling Units: While the element includes Program 2.1 (Second Unit Ordinance), the program must be revised to allow ADUs consistently with state law.

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).)*

The element must include a program(s) with specific actions and timelines to assist in the development of housing for extremely low-income (ELI) households. While the element includes Program 5.5 to meet with property owners and non-profit builders, it is unclear how this program will result in the development of housing for ELI households. The program should specify the specific actions and outcomes and could further commit the City to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers. In addition, the element must include a program(s) to address the Town's special needs populations. The program should include specific actions to assist housing for persons with special needs (e.g., farmworkers, homeless, and persons with disabilities, including developmental disabilities).

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 B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

Program to Mitigate Nongovernmental Constraints: The element must be revised to include a program that mitigates nongovernmental constraints that create a gap in the jurisdictions ability to meet RHNA by income category (Gov. Code, § 65583.2, subd. (c)(3).).

5. *The Housing Element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. (c)(4).)*

The element must include a program(s) to conserve and improve the condition of the existing stock, which may include addressing the loss of dwelling units. A program could provide grants for substantial rehabilitation, provide matching grants for homeowner improvements, or implement proactive code enforcement program. For additional information and a sample program, see the *Building Blocks* at <https://www.hcd.ca.gov/improve-and-conserve-the-existing-housing-stock>.

6. *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 protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

The element must include actions that promote AFFH opportunities as stated in Finding B1. For example, the element could include a program committing to implement Government Code section 8899.50, subdivision (b) which requires the City to administer its programs and activities relating to housing and community development in a manner to AFFH and take no action that is materially inconsistent with its obligation to AFFH. Programs should address enhancing housing mobility strategies; encouraging development of new affordable housing in high resource areas; improving place-based strategies to encourage community conservation and revitalization, including preservation of existing affordable housing; and protecting existing residents from displacement. The programs should also include metrics and milestones for evaluating progress on programs, actions, and fair housing results.

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 by income group for very low-, low-, moderate- and above-moderate income, the element must also include objectives for extremely low-income households. In addition, the element must include objectives for rehabilitation as well as conservation/preservation.

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 the public participation process, it must also describe how public comments were considered and incorporated into the element.

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).)

The housing element affects a locality's policies for growth and residential land uses. The goals, policies and objectives of an updated housing element may conflict with those of the land-use, circulation, open space elements as well as zoning and redevelopment plans. The general plan is required to be "internally consistent." As part of the housing element update, the Town should review the general plan to ensure internal consistency is maintained. In addition, The Town should consider an internal consistency review as part of its annual general plan implementation report required under Government Code section 65400.