

HCD Comment Matrix

Comment Number	Section	HCD Comment	Current Status	Recommendation
1	Review and Revise	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.	An evaluation of the City's past HE (cycle 5) was included, but a specific analysis of policy/program effectiveness was not included.	Review/update past HE evaluation to analyze effectiveness, and identify areas where GPPs in Draft HE could be strengthened/expanded, if necessary.
2	Needs - AFFH	<u>Fair Housing Issues</u> : 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	This is asking for local knowledge of trends, some of which was included in the Draft HE.	Draft narrative of how housing developed over time in San Mateo, including single-family tracts, etc.
3	Needs - AFFH	<u>Enforcement</u> : 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.	This information was implied in the Draft HE, but was not explicitly stated.	Revise Draft HE to add more specific language on how it complies with federal and state fair housing laws.
4	Needs - AFFH	<u>Integration and Segregation</u> : 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.	The Draft HE included the extensive analysis on segregation and integration supplied by ABAG in conjunction with UC Merced. Root Policy (21 Elements consultant) summarized the data in their draft of the AFFH findings.	Many jurisdictions are receiving the same or similar comment. Staff will confer with Root Policy on how to respond to this request.
5	Needs - AFFH	<u>Racial/Ethnic Areas of Concentration of Poverty and Affluence (R/ECAP)</u> : 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).	Root Policy provided the basic analysis for R/ECAPs for all jurisdictions in San Mateo County.	Many jurisdictions are receiving the same or similar comment. Staff will confer with Root Policy on how to respond to this request.
6	Needs - AFFH	<u>Disproportionate Housing Needs including Displacement</u> : 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.	Root Policy provided the basic analysis for disproportionate housing needs and displacement for all jurisdictions in San Mateo County.	Many jurisdictions are receiving the same or similar comment. Staff will confer with Root Policy on how to respond to this request.
7	Needs - AFFH	<u>Sites Inventory</u> : 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).	The Draft HE contained an extensive discussion of how the inventory relates to AFFH criteria. This analysis was crafted by Root Policy in conjunction with staff.	Many jurisdictions are receiving the same or similar comment. Staff will confer with Root Policy on how to respond to this request.

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8	Needs - AFFH	<u>Contributing Factors</u> : 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.	The Draft HE identifies many contributing factors, and the Fair Housing Action Plan (FHAP) includes discrete actions to address these concerns. This request seeks to specifically prioritize the factors, which were implied but not explicit. In addition, many of the FHAP actions were explicitly tied to the general Goals, Policies and Programs.	Amend the narrative to be more explicit.
9	Needs - AFFH	<u>Goals, Actions, Metrics, and Milestones</u> : 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.	The Draft HE contained a comprehensive list of actions to address fair housing concerns. Based on the additional analysis requested above, some of these programs may need to be revised and some may need to be added.	Confer with Root Policy on the above analyses and develop a modified FHAP, as needed.
10	Needs - Other	<u>Extremely Low-Income Households (ELI)</u> : 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.	This information was included in the Draft HE, as per ABAG's data packet. This information is already included in Appendix A (Section 4.6)	Request clarification from HCD on what specifically is being requested, and updated/clarify Draft HE as needed.
11	Needs - Other	<u>Overpayment</u> : The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).	This information was included in the Draft HE, as per ABAG's data packet. This information is already included in Appendix A.	Request clarification from HCD on what specifically is being requested, and updated/clarify Draft HE as needed.
12	Needs - Other	<u>Housing Costs</u> : 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).	This information was included in the Draft HE, as per ABAG's data packet. This information is already included in Appendix A.	Request clarification from HCD on what specifically is being requested, and updated/clarify Draft HE as needed.
13	Inventory	<u>Progress in Meeting the Regional Housing Need Allocation (RHNA)</u> : 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.	The Draft HE included general information on this topic, but not to the level of detail requested in this comment.	Similar to other cities' review letters, HCD is requesting more detail on each pipeline project from status (whether approved, under construction, etc.; probable completion date; explanation of how affordability has been calculated). Update the spreadsheets with pipeline projects to have more detail.

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14	Inventory	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 Draft HE provided an extensive analysis of how realistic capacity was calculated. Similar to other jurisdictions' letters, the State is requesting even further explanation.	Develop a more detailed narrative by explaining each site individually and outline basis for the realistic capacity calculation; past development approval and pipeline project data does support the realistic capacity assumptions included in the Draft HE.
15	Inventory	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.	The Draft HE provided a general analysis on this topic, but not to the level requested by HCD. For any site that could be developed with nonresidential uses, HCD is seeking an analysis of the likelihood the site will actually be developed with residential uses.	Develop a more detailed narrative by demonstrating sites over the last five years that could have been developed for nonresidential but were actually built with residential (100% or mixed-use).
16	Inventory	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. (a) (3))	This information is provided in the Draft HE narrative (i.e. Concar Passage) for large sites; there are no small sites that have been identified as potentially affordable.	Request clarification from HCD on what specifically is being requested, and updated/clarify Draft HE as needed.
17	Inventory	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.	The Draft HE included detailed information about the Hillsdale sites (i.e. Imagine Hillsdale outreach campaign). The Bridgepointe sites were addressed more generally.	Update Draft HE to provide more specific information and analysis.
18	Inventory	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.	The Draft HE provided a general analysis on the topic of lot consolidation, but not to the level requested by HCD.	Update Draft HE to provide more specific information and analysis.

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19	Inventory	<u>Suitability of Nonvacant Sites:</u> 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.	The Draft HE included tables for pipeline projects and approved projects to demonstrate pattern of redevelopment for nonvacant sites in the City. For the sites inventory, details of existing use, existing General Plan Land Use, active planning applications and redevelopment potential were included.	<u>Methodology:</u> Bolster narrative and methodology section for development on nonvacant sites; add background info on age/size of building demolished for recently entitled development, existing versus allowable floor area, etc. Refer to ranking system that was created to justify redevelopment potential. <u>Sites Inventory:</u> Update sites inventory with additional detailed descriptions of existing uses and maximum redevelopment potential, including referencing developer interest and potential expanded capacity through the General Plan Update process expected to be completed in 2024. Include redevelopment ranking score per methodology.
20	Inventory	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.		<u>New Policy:</u> Add policy for outreach to property owners of sites on the inventory; note sites with expressed developer interest.
21	Inventory	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.	The Draft HE provided a general analysis on the redevelopment potential/likelihood on nonvacant sites, but not to the level requested by HCD.	Update narrative consistent with updated sites inventory methodology; further discuss factors that make a site a candidate for turnover/redevelopment.
22	Inventory	<u>City-Owned Sites:</u> 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.	Two City-owned sites were identified on the sites inventory list - 4th Ave/Railroad Ave (Talbot's - 445 S. B Street; APN: 034-179-050;-060) and the Ravioli site (505 S. B Street; APN: 042-242-170). The City has a preliminary agreement with a developer to construct a 60-unit, 100% affordable housing project on the Talbot's site.	Update Appendix C, Section 3.5 with additional narrative about the Talbot's site, including information that is currently provided in the sites inventory table. Remove Ravioli site from discussion.

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23	Inventory	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.	The sites inventory table identifies sites with existing residential uses and a preliminary check indicated that none of these units are deed restricted or affordable to low-income households. The City has an existing replacement housing program under the Housing Crisis Act. The Housing Element includes a policy (H-2.6) to require no net loss of all housing units (per the Housing Crisis Act sunset date of 2034) and to study implementation beyond 2034.	Update sites inventory for any site with existing housing to note if any units are deed restricted/affordable. Update total capacity of these sites to reflect the net increase of residential units.
24	Inventory	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: <ul style="list-style-type: none"> • 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).) 	The Draft HE included a program for this and met the requirements.	Direct HCD to the location of this information and ask what further information is being requested.
25	Inventory	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.	The City issued building permits for 22 ADUs in 2018, not eight; the estimated annual ADU development was based on a four year average (2019-2022) of permits issued; and the policy does include programs to incentivize ADU production into the future.	Update average to include five years of permit data and adjust future projections accordingly; and update policy to include programs to be more explicit about annual monitoring and incentives to support local ADU production.
26	Inventory	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)).	This requirement was not included in the original HCD completeness checklist, and many jurisdictions are receiving this comment.	Research inventory for compliance, and add a narrative in the methodology section to address.

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27	Inventory	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).).	The Draft HE is using existing zoning capacity to meet its RHNA, and both of the City's water providers have an adopted Urban Water Management Plans based on this existing zoning capacity; sewer capacity has been demonstrated with the current and future treatment plant.	Add more discussion on the current Water Service Plans and Sewer Treatment Plant capacity.
28	Inventory	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.	The Draft HE provided an explanation regarding constraints in general terms; this comment seeks details on a site-by-site basis, which will require additional analysis.	Provide additional information in the sites inventory.
29	Inventory	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 .	The Draft HE included information to demonstrate compliance with this requirement.	Direct reviewer to where this information is located; and, if needed, add a program to specifically indicate the City will comply.
30	Inventory	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.	The Draft HE provided an explanation regarding constraints in general terms; this seeks more detail on a site-by-site basis.	Provide additional information in the sites inventory.

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31	Zoning for Housing Types	<i>Emergency Shelters</i> : 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; <u>however these standards are beyond the development standards allowed under housing element law.</u> 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).	Policy H-3.7 that identifies program to evaluate City policies and zoning to meet or expand emergency shelters. Constraints analysis in Appendix B, Section 2.9.5-2.9.7 provides general information about zoning capacity, strategies and programs to provide emergency shelters and address homelessness.	<ul style="list-style-type: none"> - Review existing requirements and constraints analysis against State law and revise, adding a program if needed. - Add AB 139 discussion and possible program to address emergency shelter parking requirements. - Update Policy H 3.7 to allow Low Barrier Navigation Centers in areas consistent with Government Code section 65660.
32	Zoning for Housing Types	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.	This is identified in Constraints, Appendix B, Section 2.9.6. Emergency shelters are allowed by right in the C2 and C3 zones with a 300 ft. buffer from R1 zones.	
33	Zoning	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.	This comment was not addressed in the Draft HE.	
34	Zoning	<i>Low Barrier Navigation Centers</i> : 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.	This comment was not addressed in the Draft HE.	
35	Zoning	<i>Single Room Occupancy (SRO) Units</i> : The element must describe where SROs are allowed or add a program as appropriate.	This comment was not addressed in the Draft HE.	Staff to review existing requirements against State law and revise, adding a program if needed. Maintain existing program from previous Housing Element, if it addresses HCD comment.
36	Zoning	<i>Manufactured Housing</i> : 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	The City allows manufactured homes as single-family dwellings.	Staff to review existing zoning requirements against State law and revise, adding a program if needed.

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37	Zoning	<u>Accessory Dwelling Unit (ADU)</u> : 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	A letter from HCD about the City's ADU ordinance and compliance with state law has not yet been received; a copy of the City's adopted ADU ordinance was sent to HCD last April and state law notes that HCD should identify any compliance concerns within 60 days.	Evaluate comment letter from HCD, once received, and amend as the ADU Ordinance as necessary to ensure compliance with state law; add a program to note the ADU ordinance will be maintained in compliance with state law.
38	Constraints	<u>Land Use Controls</u> : 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.	An analysis of the City's land use controls and how they impact housing development was provided in the Constraints Analysis.	Update Constraints Analysis to provide additional information.
39	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 maximum height in multifamily zones ranges between 35 to 55 feet. There are no limits on building stories in the City. TOD Hillsdale Station area allows maximum heights of 24 feet to 55 feet. The 24 feet height limit applies to single-family zone parcels in the Hillsdale TOD Specific Plan.	Staff will edit the Land Use Control (Table 2) to clarify the height requirements as up to 55 feet.
40	Constraints	The element should also analyze the open space requirements for the R-3 zone.	A program (Policy H-1.1.3) was identified to study impediments to missing middle housing (including open space requirements).	Update the constraints analysis to evaluate open space requirements in the R-3 zone and amend Policy H-1.1.3 as needed.
41	Constraints	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.	General analysis states that parking may be a constraint and projects tend to utilize State Density Bonus Law to request reduced parking standards. A program (Policy H-1.7) was identified to evaluate parking requirements for residential and mixed-use development projects near transit.	Add analysis of how parking requirements may pose a constraint to all multifamily housing developments and amend Policy 1.7 as needed. Recent state legislation AB 2097 already affects jurisdictions' ability to require parking for projects near transit. Council direction would be needed on whether the City should evaluate parking requirements for the rest of the City.

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42	Constraints	<p>In addition, the element should clarify how multifamily developments are allowed in the E and C zones and whether they require a use permit.</p> <p>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.</p>	<p>Multi-family developments are allowed in certain E and C zones, both by-right and through a Special Use Permit (noted in Appendix B, Section 2.7.7). The Draft HE analysis and policies address this comment as follows:</p> <ul style="list-style-type: none"> - Revise floor area definition (Policy H1.7) - Adopt Objective Design Standards (Policy H1.8). - Existing height and density requirements do not preclude multi-family development or prevent the City from meeting its RHNA. - The General Plan Update process is anticipated to allow for increased heights and densities. 	Update Constraints Analysis to clarify multi-family development requirements in the E and C zones; and update analysis to explain how existing development standards affect housing development projects as appropriate.
43	Constraints	<p>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.</p>	Constraints Analysis included fees and analysis by typical single-family and multi-family development (Table 6). Staff identified that the City's fee are at the median when compared to other jurisdictions in San Mateo County.	Update narrative/analysis to be more explicit about if the City's fees pose a constraint to housing development.
44	Constraints	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.	Most of this information is provided in Appendix B, Section 2.8.1.	Review Constraints Analysis against HCD comment and update as needed; update Table 6 to include requested fee amounts and specify all planning application types.
45	Constraints	<p>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.</p>	This information is provided in Appendix B, Section 2.7.2.	Review Constraints Analysis against HCD comments and update as needed
46	Constraints	<p>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.</p>	The Draft HE provided a general discussion on this topic, but not to the level requested by HCD.	Update Draft HE narrative to provide additional information and clarification.

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47	Constraints	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).	The constraints section states that the City meets all transparency requirements for Gov. Code Section 65940.1(a)(1).	Verify and provide cross references in the narrative.
48	Constraints	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.	The Draft HE identifies a path to meeting the City's 6th cycle RHNA allocation within the limits of Measure Y; and Measure Y was discussed in the Constraints Analysis, noting it as a housing production constraint that results in additional sites needed to meet the City's RHNA. The community discussion about Measure Y and housing growth in the City over the next 20 years is happening and will continue as part of the GPU adoption process.	Add additional information about the General Plan Update (GPU) and how this topic will be addressed as part of the GPU adoption process in 2023/24.
49	Constraints	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.)	The City's current Density Bonus Ordinance is in compliance with State law.	Note that the ordinance is in compliance, and include a program that the City will periodically review ordinance to ensure it maintains compliance with state law.
50	Constraints	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.	The City is in the process of developing Objective Design Standards and has a program to implement (Policy H-1.8).	Update narrative to conclude whether design review guidelines pose a constraint.
51	Constraints	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.	Section 2.6 of Appendix B addresses on/off-site improvements associated with subdivisions and planning applications.	Update narrative to provide further details on subdivision requirements.
52	Constraints	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.	Section 2.9.4 of Appendix B identifies the City's requirements for reasonable accommodation, including those that can be done by-right.	Expand narrative to describe the process and decision-making criteria for reasonable accommodation requests under SMMC 27.78.
53	Constraints	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.	Noted.	Add program to revise the definition of family to remove constraints.

Comment Number	Section	HCD Comment	Current Status	Recommendation
54	Constraints	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.	This was included as a program (Policy H-1.14) to allow larger group homes consistent with State law and fair housing requirements.	Update program and narrative to meet statutory requirements and address constraints.
55	Constraints	<u>Developed Densities and Permit Times</u> : 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.	Staff included an analysis of time lapse between planning approval and building permit submittal.	Direct HCD to the location of this information - H-B-43
56	Needs	<u>Special Needs Populations</u> : 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	This information was provided in the needs packet supplied by ABAG, and in other places throughout the Element (such as in the resources section)	Create a summary of this information from various areas of the Housing Element, and indicate the programs to address those needs.
57	GPPs	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:	This comment is the preamble to the individual policy comments listed below.	N/A
58		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.	The current policy states: "Produce City supported housing projects with affordability restrictions utilizing local public funds; and use this funding to leverage other regional, state, and federal funding sources to increase the number of affordable housing units developed in each project." It includes three implementation measures but does not include a standalone outreach measure.	An implementation measure could be added to - add study areas for GP update - hold developer roundtable bi-annual meetings etc.
59		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.	For Action C, ADU permit fee review was anticipated when the City's fee schedule is reviewed/updated (approx. every five years); for Action D, it is generally consistent with the comment, but does not provide the level of detail requested by HCD.	Action C - Increase frequency of when ADU permitting fees reviewed (every 2-3 years). Action D - Provide more specific information about how ADU production can be maintained/encouraged, and explore how ADU affordability could be monitored.

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60		Policy 1.5 (Encourage Family Housing): The program should include back-up actions, with specific timing, if the identified incentives are not implemented.	The current program measure and implementation action discuss proposing 3-bedroom affordable units as part of the City's inclusionary requirements.	City staff needs to conduct a study and come to council with a proposal. Also, perhaps the policy could be broken into City subsidized projects and private development projects.
61		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.	Action B - Since permit application requirements are constantly being updated, the current Draft HE mentions 2023-2031. Action C - The Planning Division continues to implement SB 330 timelines for qualifying projects.	Action B - The timeline would be updated to track the first round of streamlining measures, which are expected to be completed in 2023-2024. Action C - Verify if code amendments are needed for SB 330, or delete. Possibly combine with 1.7, 1.8, 1.9, to keep all zoning amendments under one policy. Perhaps even 1.15, see below.
62		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.	Current timing is 2027-2028.	Should it be combined with other code amendment efforts (see above)?
63		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.	Current timing is 2029-2030.	Can be amended to cite Government Code section. Should it be combined with other code amendment efforts?
64		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.	The current timing is 2024-2025, which is when the study would be completed and the fees updated, if needed.	Clarify in timeline
65		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.	The current program measure states that the City would "Evaluate potential policies and code amendments to support the production of housing for seniors." Other special needs groups are addressed in different programs.	The current policy states the intended action. Identify what specific actions would be implemented.
66		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.	The Draft HE does not explicitly describe the frequency of outreach efforts.	Update the Implementation Actions to make outreach timelines more explicit.
67		Policy 3.3 (Evaluate Housing Revenue Sources): This program must describe the implementation component for action A.	The implementation component for Action A is included in the Draft HE.	Update the Implementation Actions to describe the implementation component for Action A in greater detail.
68		Policy 3.5 (Creation of Below Market Rate Set Asides): This program must add implementation and timing for what will result from the study.	The Draft HE does not explicitly describe the timing of the results from the study.	Update the Implementation Actions to make study timing and implementation more explicit.

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69		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.	The Draft HE does not explicitly state how support will be provided.	Expand and clarify on how the City will provide support to this program.
70		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.	The Draft HE does not specify whether the marketing will occur once in the planning period on a project-by-project basis.	Clarify timing to state that marketing will occur on a project-by-project basis.
71		Policy 5.1.2 (Regional Down Payment Assistance): This program should include outreach for education.	The Draft HE does not explicitly state an outreach for education component.	Update to provide more details and be more explicit about outreach.
72		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.	The Draft HE does not explicitly state the timing to implement the incentives and the proactive outreach efforts.	Update to provide more details and be more explicit about the timing to implement the incentives and proactive outreach efforts.
73		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.	The Draft HE does not explicitly state how often outreach will occur.	Update to explicitly state how often outreach will occur and clarify whether the metrics are measured annually or throughout the planning period.
74		Policy 5.4.2 (Project Sentinel): This program should be revised to include outreach and describe how awareness will be increased.	The Draft HE does not explicitly include outreach and how awareness will be increased.	Update to include outreach and describe how awareness will be increased.
75		Policy 5.4.3 (Fair Housing Webpage): This program should describe how often the website will be updated and whether outreach will be included.	The Draft HE does not specify how often the website will be updated and whether outreach will be included.	Update to describe how often the website will be updated and what type of outreach will be included.
76		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.	The Draft HE does not include an action to implement the feasibility study.	Update to include an action to implement the feasibility study and back-up plan if the study is not implemented.
77	Other GPPs	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.	This comment requests that the program be amended to explicitly state the City will identify additional sites as needed.	Revise program to be explicit.
78	Other GPPs	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.	The Draft HE includes a program to address this requirement. The State requests additional edits to confirm both timing and appropriateness of densities for lower income households.	Revise program to be explicit.
79	Other GPPs	Policy 1.12 (Encourage Residential Uses within Housing Overlay): The program must clarify which commercial zones will be included in the program actions.	Policy noted commercial zones generally, but individual zones are not identified.	Revise policy to be more specific about which commercial zones will be evaluated for inclusion in the overlay.

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80	Other GPPs	Policy 2.4 (Capital Improvements in Lower-Resourced Neighborhoods): The program should describe what capital improvements will be included.	No specific capital improvements identified.	Revise to provide more details, but will not be able to identify specific projects, reference EJ policies and community engagement in the GPU.
81	Other GPPs	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.	These details were not provided.	Will try to provide more details, but challenging since the study would identify potential implementation actions, will also evaluate feasibility of implementing earlier.
82	Other GPPs	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.	These details were not provided.	Research strategies that can be implemented locally and will note that proactive outreach will be included.
83	Other GPPs	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 meets these requirements, but did not explicitly note these details.	Revise to be more explicit
84	Other GPPs	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.	Intent of the policy was to evaluate and let community and decisionmaker input guide the updated parking standards, but does not commit to a specific outcome.	Request input from the City Council on making a stronger commitment to modifying or removing any parking requirements identified as a constraint to multi-family development.
85	Other GPPs	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.	The intent of this policy is to reduce/remove contains to missing middle housing developments; but does not commit to a specific outcome.	Request input from the City Council on committing to modifying or removing any policies or codes that are a constraint on missing middle housing development.
86	Other GPPs	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.	The policy does not include a commitment to a specific outcome.	Request input from the City Council on committing to reviewing and revising procedural requirements to permit group homes in all zones that allow residential uses based on objective criteria to facilitate approval certainty.
87	GPPs AFFH	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.	As noted, all programs include specific timelines, but this request seeks further detail on actions to be taken.	Revise draft to be explicit
88	Other GPPs	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.	The City is waiting on additional information from HCD and will reference the State Preservation Notice Law and the state noticing requirements to tenants in Policies 2.2 and 5.3.3.	Revise draft to be explicit
89	Quantified Objectives	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.	The City does 31 rehab projects annually through CDBG over 8 years plus 10 expected CALHOME rehabs	Revise draft to be explicit

<u>Comment Number</u>	<u>Section</u>	<u>HCD Comment</u>	<u>Current Status</u>	<u>Recommendation</u>
90	Public Participation	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.	Partially complete - needs to be added to Public Participation section	Revise draft to be explicit or point HCD to the page where this is covered
91	Consistency with the GP	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.	The draft explained the relationship between the Housing Element and the General Plan Update effort and how consistency will be maintained.	Add a program that codifies the existing practice of tracking all General Plan Amendments as they occur to maintain internal consistency.