

**CITY OF SAN MATEO  
RESOLUTION NO. \_\_\_\_ (2023)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MATEO, ADOPTING A GENERAL PLAN AMENDMENT  
TO REPEAL THE 2015-2022 HOUSING ELEMENT AND ADOPT THE HOUSING ELEMENT OF THE GENERAL PLAN  
FOR THE PERIOD OF 2023-2031, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING AND TO COMPLY  
WITH THE STATE HOUSING ELEMENT LAW**

WHEREAS, the legislature has found that, “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code Section 65589.5.); and

WHEREAS, the legislature has further found that, “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.” (Gov. Code Section 65589.5.); and

WHEREAS, the legislature adopted the Housing Crisis Act of 2019 (SB 330) which states, “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years;” and

WHEREAS, the State Housing Element Law (Government Code Sections 65580 *et seq.*) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of San Mateo (City) regional housing need allocation (RHNA) of 7,015 housing units, comprised of 1,777 very low-income units, 1,023 low-income units, 1,175 moderate-income units, and 3,040 above moderate-income units; and

WHEREAS, the City has prepared Housing Element 2023-2031 (“Housing Element”) in compliance with the State Housing Element Law and has identified sites that can accommodate housing units to meet the City’s RHNA; and

WHEREAS, as provided in Government Code Section 65350 *et seq.*, adoption of this Housing Element Update 2023-2031 constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.4 on April 22, 2022, the City mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and other entities listed; and

WHEREAS, no California Native American tribe requested consultation; and

WHEREAS, the City has conducted extensive community outreach over the last two years, including six public meetings before the Planning Commission and the City Council; and

WHEREAS, in accordance with Government Code Section 65585(b), on April 6, 2022, the City published the Draft Housing Element and requested public comment for a 30-day review period, and on July 1, 2022, after responding to public comments, the City submitted the Draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on September 28, 2022, the City received a letter from HCD providing its comments regarding the Draft Housing Element; and

WHEREAS, on December 30, 2022, the City published a Revised Draft Housing Element responding to HCD's comments, and made the Draft available for public review through January 9, 2023; and

WHEREAS, on January 12, 2023, the Planning Commission held a duly and properly noticed public hearing, reviewed the Revised Draft Housing Element and all pertinent maps, documents and exhibits, including HCD's comments, the City's response to HCD's comments, the agenda report and all attachments, and oral and written public comments, and voted 3-0, with two commissioners absent, to adopt a resolution recommending that the City Council decline to adopt the Revised Draft Housing Element based on the findings listed in its resolution, which is attached to the accompanying staff report; and

WHEREAS, the Revised Draft Housing Element was reviewed for conformance with the California Environmental Quality Act and was found to be exempt under Sections 15061(b)(3) as it can be seen with certainty that the proposed adoption of the Housing Element (which proposes no rezonings or intensification of land use) would not have a significant effect on the environment; and

WHEREAS, on January 24, 2023, the City Council conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's comments, the City's response to HCD's comments, the agenda report and all attachments, the Planning Commission recommendation and oral and written public comments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY finds and determines that, based on substantial evidence in the record, that:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. In accordance with Government Code Section 65300.5(a), the Housing Element is internally consistent with the City's 2030 General Plan; and as required by state law and San Mateo Municipal Code Section 27.06.040(b), the Planning Commission has reviewed and provided a recommendation to the City Council on this General Plan Amendment.
3. The Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 *et seq.*, and contains all provisions required by State Housing Element Law, as shown in Exhibit A to this Resolution, incorporated herein by this reference.
4. Based on substantial evidence in the record, the existing uses on the non-vacant sites identified in the Site Inventory to accommodate the City's RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the site during the planning period. Section 65583.2(g)(2) of the Government Code requires that any jurisdiction relying on non-vacant sites to meet more than 50 percent of the RHNA for lower-income households must make findings based on substantial evidence that the existing use on the non-vacant site is not an impediment to residential development during the planning period. In the City of San Mateo, 99.2 percent of the RHNA for lower-income unit capacity is on non-vacant sites (183 of 189 sites are non-vacant). The City has provided such substantial evidence in Appendix C of the Housing Element that the existing uses will be discontinued and/or will not be an impediment to residential development during the planning period based on the physical characteristics, existing uses, redevelopment potential (including improvement to land value ratio, floor area ratio, and known developer/owner interest), location and context, local knowledge, and environmental and infrastructure constraints. Specifically, Table A in the Appendix C of the Housing Element demonstrates that six of the largest non-vacant sites in the Sites Inventory have owners that have

expressed interest in residential or mixed-use development during this planning period; with the remaining sites having the ability to accommodate new housing without displacing existing uses (i.e. large parking lots or vacant areas, have under-utilized buildings or long-standing vacancies, or have conceptual proposals, development applications or planning approvals).

5. As required by Government Code Section 65585(e), the City Council has considered the comments made by HCD, including those in HCD's letter to the City of San Mateo dated September 28, 2022, consistent with Government Code Section 65585(f), and as described in Exhibit B to this resolution, incorporated herein by this reference, and updated the Housing Element in response to the comments to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.
6. The 2015-2022 Housing Element is repealed in its entirety.
7. This Resolution shall become effective upon adoption by the City Council.
8. The City Manager or their designee is hereby directed to file all necessary materials with HCD for HCD to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by HCD to achieve certification.
9. The Community Development Department Director or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the 2023-2031 Housing Element in its current form, which has been found to be in substantial compliance with all applicable state statutes and HCD requirements.

## Exhibit A

### Compliance with Statutory Provisions

Column 1 lists the sections of the California Government Code that are applicable to certification of the City's 2023-2031 Housing Element and Column 2 identifies how the Housing Element is in compliance with that section.

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
<b>Section 65583</b>	
The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.	See below for details.
The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.	See below for details
The element shall contain all of the following:	
(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:	<p>Housing needs – see Appendix A, Needs Analysis</p> <p>Resources – see Appendix C, Housing Resources</p> <p>Constraints – see Appendix B, Constraints</p>
(a)(1) An analysis of population and employment trends and documentation of projections	Appendix A, pp H-A-9 through H-A-22
(a)(1) A quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income	Appendix A, pp H-A-9 through H-A-22; for ELI data, see H-A-22 et seq.

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.	
(a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay,	Appendix A, H-A-23 through H-A-31; for overpayment see H-A-43 et seq.
(a)(2) housing characteristics, including overcrowding, and	Appendix A, H-A-43 et seq.
(a)(2) housing stock condition.	Appendix A, H-A-36 et seq.
(a)(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, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction's duty to affirmatively further fair housing. <b>Note: Please see Section 65583.2 regarding the land inventory.</b>	<p>See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)</p> <p>For detail on individual sites, nonvacant site analysis and relationship to constraints, etc., see Appendix C, pp H-C-12 et seq.</p> <p>For AFFH analysis of inventory, see Appendix D, H-D-72 et seq.</p>
<b>[Note that AB 2339 (Chapter 654, Statutes of 2022) amended Section 65583(a)(4). It does not apply to ABAG-area housing elements unless the first draft of the housing element is submitted to ABAG after January 31, 2023 or a draft is submitted after April 1, 2023. Therefore the sections below include the statutory provisions of Section 65583(a)(4) effective in 2022. Jurisdictions adopting their housing element after January 1, 2023 should describe why AB 2339 is not applicable to them.]</b>	
(a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.	Appendix B, H-B-39 through H-B-42; see also base document Policy H3.7, page H-80
(a)(4)(A) If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit.	Appendix B, H-B-39 through H-B-42; see also base document Policy H3.7, page H-80

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
(a)(4)(A) The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.	Appendix B, H-B-39 through H-B-42; see also base document Policy H3.7, page H-80
<p>(a)(4)(A) Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:</p> <ul style="list-style-type: none"> <li>(i) The maximum number of beds or persons permitted to be served nightly by the facility.</li> <li>(ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.</li> <li>(iii) The size and location of exterior and interior onsite waiting and client intake areas.</li> <li>(iv) The provision of onsite management.</li> <li>(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.</li> <li>(vi) The length of stay.</li> <li>(vii) Lighting.</li> <li>(viii) Security during hours that the emergency shelter is in operation.</li> </ul>	Appendix B, H-B-39 through H-B-42; see also base document Policy H3.7, page H-80
(a)(4)(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).	Appendix B, H-B-39 through H-B-42; see also base document Policy H3.7, page H-80
(a)(4)(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.	Appendix B, H-B-39 through H-B-42; see also base document Policy H3.7, page H-80
(a)(4)(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.	Appendix B, H-B-39 through H-B-42; see also base document Policy H3.7, page H-80
(a)(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of	See Constraints, Appendix B. For detail, see below

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
subdivision (c), and <b>[Note: The types of housing identified in Section 65583(c)(1) include multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.]</b>	
(a)(5) for persons with disabilities as identified in the analysis pursuant to paragraph (7),	Appendix B, H-B-37 et seq.
(a)(5) including land use controls,	Appendix B, H-B-5 through H-B-11
(a)(5) building codes and their enforcement,	Appendix B, H-B-15 through H-B-16
(a)(5) site improvements,	Appendix B, H-B-18 through H-B-19
(a)(5) fees and other exactions required of developers,	Appendix B, H-B-31 through H-B-36
(a)(5) local processing and permit procedures,	Appendix B, H-B-20 through H-B-31
(a)(5) and any locally adopted ordinances that directly impact the cost and supply of residential development.	Appendix B, H-B-15 and H-B-12
(a)(5) 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 Section 65584	Base document Policies H1.1 through H1.21, especially Policies H1.3, H1.4, H1.6, H1.7, H1.13, H1.18
(a)(5) and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).	Appendix B, H-B-38, and base document policies H1.14, H4.3, H4.4 H5.1.1, H5.1.2, H5.2.1, H5.2.2, H5.2.3, H5.4.1, H5.4.2, H5.4.3, and H5.4.4
(a)(6) 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,	Appendix B, H-B-46 through H-B-56
(a)(6) the price of land,	Appendix B, H-B-46 through H-B-47
(a)(6) the cost of construction,	Appendix B, H-B-47 through H-B-50

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(a)(6) the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2,	Appendix B, H-B-51
(a)(6) 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 Section 65584.	Appendix B, H-B-51
(a)(6) 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.	Appendix B, H-B-46 through H-B-55, and base document policies H1.9, H1.10 and H1.21
(a)(7) An analysis of any special housing needs, such as those of the	
(a)(7) elderly;	Appendix A, H-A-23 et seq. and H-A-55 et seq.
(a)(7) persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code;	Appendix A, H-A-56 through H-A-59
(a)(7) large families;	Appendix A, H-A-53 et seq.
(a)(7) farmworkers;	Appendix A, H-A-66 et seq.
(a)(7) families with female heads of households;	Appendix A, H-A-54 et seq.
(a)(7) and families and persons in need of emergency shelter.	Appendix A, H-A-59 through H-A-65
(a)(7) The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.	Appendix A, H-A-59 through H-A-65; see also Appendix B, H-B-39 through H-B-42
(a)(7) The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.	Appendix A, H-A-59 through H-A-65; see also Appendix B, H-B-39 through H-B-42

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
(a)(7) An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.	N/A
(a)(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.	Base document, H-48 and H-49, and policy H2.3
(a)(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.	Base document, H-24 through H-27; complete list of developments is in Appendix A, Attachment 2
(a)(9)(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.	Appendix A, Attachment 2
(a)(9)(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.	Base document, H-24 through H-27
(a)(9)(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.	Base document, H-24 through H-27
(a)(9)(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use	Base document, H-24 through H-27

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of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.	
(b) (1) A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing.	Base document Goals, Policies and Programs, including AFFH, H-71 through H-87  Quantified objectives: base document, H-88 through H-91
(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.	Quantified objectives: base document, H-88 through H-91
(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that 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	Base document Goals, Policies and Programs, including AFFH: base document, H-71 through H-87
(c) through the administration of land use and development controls,	Base document Policies H1.1 through H1.21
(c) the provision of regulatory concessions and incentives,	Base document Policies H1.3, H1.4, H1.6, H1.7, H1.13, H1.18, and others
(c) the utilization of appropriate federal and state financing and subsidy programs when available,	Base document Policy H1.2 and H2.1
(c) and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).	Base document Policy H1.2 and H2.1
In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:	

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
(c)(1) 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 Section 65584.09.	No sites need to be rezoned in order to accommodate the RHNA allocation
(c)(1) Sites shall be identified as needed to affirmatively further fair housing	For AFFH analysis of inventory, see Appendix D, H-D-72 et seq.
(c)(1) and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing,	See base document programs, H-71 through H-87; see also discussion in Constraints Analysis, Appendix B, beginning on H-B-5
(c)(1) factory-built housing,	Appendix B, H-B-44
(c)(1) mobilehomes,	Appendix B, H-B-44
(c)(1) housing for agricultural employees,	Appendix B, H-B-43
(c)(1) supportive housing,	Appendix B, H-B-42
(c)(1) single-room occupancy units,	Appendix B, H-B-45; and base document H-44
(c)(1) emergency shelters,	Appendix B, H-B-39 et seq.
(c)(1) and transitional housing.	Appendix B, H-B-42
(c)(1)(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of	No sites need to be rezoned in order to accommodate the RHNA allocation

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	
(c)(1)(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2. Note: Please see Section 65583.2 regarding the land inventory and conformance with subdivision (h).	No sites need to be rezoned in order to accommodate the RHNA allocation
(c)(1)(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.	Base document implementation plan, Policy H1.17
(c)(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.	Base document Policies H1.1 through H1.21
(c)(3) 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	Base document Policies H1.1 through H1.21, especially Policies H1.3, H1.4, H1.6, H1.7, H1.13, H1.18
(c)(3) 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.	Appendix B, H-B-38, and base document policies H1.14, H4.3, H4.4 H5.1.1, H5.1.2, H5.2.1, H5.2.2, H5.2.3, H5.4.1, H5.4.2, H5.4.3, and H5.4.4
(c)(3) Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.	Appendix B, H-B-42 and base document policy H1.15
(c)(3) Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).	Appendix B, H-B-42 and base document policy H1.15

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
(c)(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.	Base document Policies H2.1, H2.2, H2.4, H2.6
(c)(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics 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.	AFFH policies in base document, H5.1.1 through H5.4.5
(c)(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a).	Base document policy H2.2
(c)(6) The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available.	Base document, H-24 through H-27 and policy H2.2
(c)(6) The program may include strategies that involve local regulation and technical assistance.	Base document, H-24 through H-27 and policy H2.2
(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.	Base document policies H1.4 and H5.1.3
(c)(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.	For responsible parties, including AFFH: base document, pages H-71 through H-87  Consistency with the general plan: base document, page H-19
(c)(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.	See Appendix F in its entirety, and the base document for a summary (H-50 through H-60)

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(c)(10)(A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:	Appendix D in its entirety
(c)(10)(A)(i) A summary of fair housing issues in the jurisdiction	Appendix D, H-D-10 through H-D-15
(c)(10)(A)(i) and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.	Appendix D, H-D-16 through H-D-23
(c)(10)(A)(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends,	Appendix D, H-D-24 through H-D-49
(c)(10)(A)(ii)racially or ethnically concentrated areas of poverty and affluence,	Appendix D, H-D-41 through H-D-49
(c)(10)(A)(ii) disparities in access to opportunity,	Appendix D, H-D-50 through H-D-56
(c)(10)(A)(ii) and disproportionate housing needs,	Appendix D, H-D-57 though H-D-71
(c)(10)(A)(ii) including displacement risk.	Appendix D, H-D-67 through H-D-71
(c)(10)(A)(ii) The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction.	Appendix D in its entirety, as this information is woven throughout
(c)(10)(A)(ii) and comparing the jurisdiction to the region in which it is located, based on race 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) and Section 65008.	Appendix D in its entirety, as this information is woven throughout
(c)(10)(A)(iii) An assessment of the contributing factors, including the local and regional historical origins	Appendix D, H-D-6 through H-D-15
(c)(10)(A)(iii) and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).	Appendix D, H-D-16 through H-D-23
(c)(10)(A)(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance,	Appendix D, H-D-14 et seq.

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(c)(10)(A)(iv) and identifying the metrics and milestones for determining what fair housing results will be achieved.	AFFH policies are located in the base document, policies H5.1.1 through H5.4.5
(c)(10)(A)(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies	AFFH policies H5.1.1 through H5.1.3
(c)(10)(A)(v) and encouraging development of new affordable housing in areas of opportunity,	AFFH policies H5.2.1 through H5.2.3
(c)(10)(A)(v) as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing,	AFFH policies H5.3.1 through H5.3.3
(c)(10)(A)(v) and protecting existing residents from displacement.	AFFH policies H5.4.1 through H5.4.5
(c)(10)(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.	N/A
(c)(10)(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.	See above
(d)(1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.	N/A
(d)(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.	N/A

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(d)(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:	N/A
(d)(3)(A) How the joint facility will meet the jurisdiction's emergency shelter need. (d)(3)(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility. (d)(3)(C) The amount and source of the funding that the jurisdiction contributes to the facility.	N/A
(d)(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.	N/A
(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following: <b>[Note that this provision is applicable to AB 2339 (Chapter 654, Statutes of 2022), which amended Section 65583(a)(4). Jurisdictions adopting their housing element after January 1, 2023 should describe why this amendment is not applicable to them.]</b>	N/A
(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.	N/A
(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.	N/A
(f) – (j): Not applicable	N/A
<b>Section 65583.1(a)</b>	
(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, ... may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.	Base document H-39 et seq.

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(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.	N/A
<b>Note: If communities are using the provisions of Section 65583.1(c), which allow RHNA credit for conversion of non-affordable to affordable housing and for preservation of existing affordable housing at risk of loss, the applicable provisions need to be added to this table.</b>	N/A
<b>Section 65583.2</b>	
(a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583,	Base document methodology discussion, H-27 through H-44
(a) that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):	See below
(a)(1) Vacant sites zoned for residential use.	See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.
(a)(2) Vacant sites zoned for nonresidential use that allows residential development.	See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.
(a)(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county	See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as

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	well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.
(a)(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.	See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.
(b) The inventory of land shall include all of the following:	
(b)(1) A listing of properties by assessor parcel number.	See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53
(b)(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.	See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53
(b)(3) For nonvacant sites, a description of the existing use of each property.	See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53
(b)(3) If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.	See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53. Publicly owned sites generally have pending projects on them
(b)(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.	See discussion on-site constraints in Appendix C, H-C-13 et seq.  See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.  See also discussion in Appendix B, H-B-52 through H-B-54
(b)(5)(A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.	See discussion on-site constraints in Appendix C, H-C-13 et seq.

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	<p>See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p> <p>See also discussion in Appendix B, H-B-52 through H-B-54</p>
<p>(b)(5)(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.</p>	<p>See discussion on-site constraints in Appendix C, H-C-13 et seq.</p> <p>See electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p> <p>See also discussion in Appendix B, H-B-52 through H-B-54</p>
<p>(b)(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.</p>	<p>N/A</p>
<p>(b)(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan, for reference purposes only.</p>	<p>See map figures in base document, pages H-38 and H-43, and Appendix C, pages H-C-15 and H-C-51</p>
<p>(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.</p>	<p>Base document methodology discussion, H-27 through H-44</p>
<p>(c) A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this</p>	<p>Appendix C, H-C-14 et seq.</p> <p>Note: No rezoning required.</p>

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subdivision and the site is subject to a program in the housing element requiring 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. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right.	
(c) Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	To be adopted by January 31, 2023.
(c) The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing,	See base document programs, H-71 through H-87; see also discussion in Constraints, Appendix B, beginning on H-B-5
(c) factory-built housing, mobilehomes,	Appendix B, H-B-44
(c) housing for agricultural employees,	Appendix B, H-B-43
(c) supportive housing,	Appendix B, H-B-42
(c) single-room occupancy units,	Appendix B, H-B-45; see also base document H-44
(c) emergency shelters, and	Appendix B, H-B-39 et seq.
(c) transitional housing	Appendix B, H-B-42
(c) and whether the inventory affirmatively furthers fair housing.	For AFFH analysis of inventory, see Appendix D, H-D-72 et seq.
(c) The city or county shall determine the number of housing units that can be accommodated on each site as follows:	

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(c)(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.	See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)
(c)(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583,	See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)
(c)(2) the realistic development capacity for the site,	See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)
(c)(2) typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,	See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)
(c)(2) and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	<p>See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)</p> <p>See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p>
(c)(2)(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate 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 locality provides other evidence to the department that the site is adequate to accommodate lower income housing.	N/A – no sites less than half an acre are included as sites for lower income
(c)(2)(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate 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	Base Housing Element document, H-35 through H-37

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unless the locality provides other evidence to the department that the site can be developed as lower income housing.	
(c)(2)(B) For purposes of this subparagraph, “site” means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.	
(c)(2)(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.	See pipeline projects, base document H-39 and Appendix C, H-C-22 through H-C-34
(c)(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:	
(c)(3)(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.	See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)  See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.
(c)(3)(B) The following densities shall be deemed appropriate to accommodate housing for lower income households: (i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre. (ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre. (iii) For a suburban jurisdiction: sites allowing at least 20 units per acre. (iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.	See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)  See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.
(4)(A) For a metropolitan jurisdiction:	
(4)(A)(i) At least 25 percent of the jurisdiction’s share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.	See base document, H-45

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(4)(A)(ii) At least 25 percent of the jurisdiction's share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.	See base document, H-45
<p>(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following:</p> <p>(i) Deny a project that does not comply with the allocation.</p> <p>(ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law.</p> <p>(iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.</p>	
(C) This paragraph does not apply to an unincorporated area.	
(D) For purposes of this paragraph:	
(i) "Housing development project" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.	
<p>(ii) "Unit of housing" does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.</p>	
(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.	
(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt,	

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<p>Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.</p>	
<p>(e) (1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.</p>	
<p>(2)(A)(i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.</p>	
<p>(2)(A)(ii) A county subject to this subparagraph shall utilize the sum existing in the county's housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.</p>	
<p>(2)(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.</p>	
<p>(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for "suburban area" above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction's population is less than 25,000 in which case it shall be considered suburban.</p>	

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(g)(1) For sites described in paragraph (3) of subdivision (b) [non-vacant sites], the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential.	
(g)(1) The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development,	<p>See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)</p> <p>See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p>
(g)(1) the city's or county's past experience with converting existing uses to higher density residential development,	<p>See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)</p> <p>See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p>
(g)(1) the current market demand for the existing use,	<p>See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)</p> <p>See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p>
(g)(1) an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development,	<p>See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)</p> <p>See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53,</p>

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	as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.
(g)(1) development trends,	<p>See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)</p> <p>See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p>
(g)(1) market conditions,	<p>See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)</p> <p>See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p>
(g)(1) and regulatory or other incentives or standards to encourage additional residential development on these sites.	<p>See base document (2023-231 City of San Mateo Draft Housing Element) for detailed methodology of inventory (H-27 et seq.)</p> <p>See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p>
(g)(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.	<p>See base document for detailed methodology of inventory (H-27 et seq.)</p> <p>See also electronic sites inventory in Appendix C, Housing Resources starting on page H-C-53, as well as individual sites analyses in the same Appendix, H-C-16 through H-C-51.</p>

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
<p>(g)(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by low or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.</p>	<p>Base document Policy H2.6</p>
<p>(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period.</p>	<p>No rezoning is required to meet the RHNA allocation. All sites in the inventory on which lower income units are identified are zoned at least 30 units per acre</p> <p>See also base document Policy H1.7 (allow residential as a permitted use in C and E districts) and Policy H1.10 (allow housing by-right for prior housing sites that propose a minimum of 20 percent affordable).</p>
<p>(h) These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c),</p>	<p>No rezoning is required to meet the RHNA allocation. All sites in the inventory on which lower income units are identified are zoned for at least 30 units per acre.</p> <p>See also base document Policy H 1.9 (establish minimum densities for multi-family and mixed-use projects) and H1.10 (allow housing by-right for prior housing sites that propose a minimum of 20 percent affordable). Zoning at these sites would be at least 30 units per acre.</p>
<p>(h) shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c)</p>	<p>No rezoning is required to meet the RHNA allocation. All sites in the inventory on which lower income units are identified are zoned for at least 30 units per acre.</p>

GOVERNMENT CODE PROVISION	HOUSING ELEMENT COMPLIANCE
(h) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b).	All sites in the inventory have available and accessible sewer, water, and dry utilities supply as described in base document page H-5.
(h) At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.	<p>No rezoning is required to meet the RHNA allocation. All sites in the inventory on which lower income units are identified are zoned for at least 30 units per acre</p> <p>See base document H1.9 (code amendment to require that properties designated for mixed use sites in the Sites Inventory List to allow 100 percent residential uses and require that residential uses occupy 50 percent or more of the total floor area of a mixed-use project, and establish a minimum density for mixed-use projects elsewhere in the city).</p>
(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act.	
(i) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.	
(i) Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.	
(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marín Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.	



**Exhibit B**  
**Revisions in Response to HCD Comment Letter dated September 28, 2022**

<b><u>Comment Number</u></b>	<b><u>Section</u></b>	<b><u>HCD Comment</u></b>	<b><u>City Response</u></b>	<b><u>Location</u></b>
1	Past Housing Element Review	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.	Reviewed/updated past HE evaluation to analyze effectiveness, and identified areas where GPPs in 23-31 HE will be strengthened/expanded, as needed.	See Appendix E and base document H-90
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	The requested information has been updated.	See Appendix D H-D-6, and H-D-17 et seq.
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.	Revised 23-31 HE to add more specific language on how it complies with federal and state fair housing laws.	See Appendix D H-D-16 through H-D-23
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.	Additional language has been added to address this comment.	See Appendix D H-D-24 through H-D-49
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).	As information was not yet available on RCAAs when the draft was submitted, it is included in this revision.	See Appendix D H-D-41 and through H-D-49.

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.	More narrative has been provided on disproportionate needs.	See Appendix D H-D-57 through H-D-71
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.	See Appendix D H-D-72 through H-D-77
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 23-31 HE has been updated to include prioritization of contributing factors.	See Appendix D H-D-14 et seq.
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 23-31 HE Implementation Plan has been revised to provide more defined metrics, outcomes and timing, as appropriate.	See implementation plan in base document, beginning on H-84.
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 is included in the needs packet provided by ABAG and the 23-31 HE has been updated to provide expand information, including in AFFH.	See throughout Appendix A, starting on H-A-22; see also narrative woven

				throughout Appendix D.
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 has been added to Appendix A.	See Appendix A H-A-43 through H-A-46
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 Appendix A.	See Appendix A H-A-41 through H-A-43
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.	Detailed information for pipeline projects, as well as other sites in the Sites Inventory, added to Appendix C.	See detailed sites discussion in Appendix C, beginning on page H-C-22.
14	Inventory	<u>Realistic Capacity</u> : 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 23-31 HE has been updated to provide additional narrative to support and justify using 100% of zoned capacity as the realistic capacity for a site on the Sites Inventory.	See base document for detailed methodology of inventory (H-27 et seq.). Also see detailed sites discussion in Appendix C.
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.	Additional language has been added to the 23-31 HE to address this comment	See base document for detailed methodology of inventory (H-27 et seq.). Also See detailed sites discussion in Appendix C.

16	Inventory	<u>Small and Large Sites</u> : 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 <u>developed during the prior planning period</u> 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 23-31 HE narrative (i.e. Concar Passage) for large sites; there are no small sites that have been identified as potentially affordable.	See base document H-35 through H-37
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.	23-31 HE has been updated to include additional information on individual development sites, including Hillsdale Mall and Bridgepointe Shopping Center.	See base document H-35 through H-37
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.	Analysis added to Appendix C with specific projects identified	See Appendix C H-C-14 and individual sites analyses.
19	Inventory	<u>Suitability of Nonvacant Sites</u> : The element must include an analysis demonstrating the potential for redevelopment of <u>nonvacant sites</u> . 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.	Greater analysis of individual sites has been included in the Housing Resources Appendix and a new policy added to the 23-31 HE.	See individual sites' analysis in Appendix C, beginning on H-C-14, and base document new Policy H4.5 (conduct outreach to Sites Inventory property owners).

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 <u>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.</u> The element could also consider indicators such as <u>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>	Greater analysis of individual sites has been included in the Housing Resources Appendix.	See individual sites' analysis in Appendix C. Some sites were removed or realistic capacity was reduced based on additional analysis.
21	Inventory	In addition, as noted in the housing element, the housing element relies upon <u>nonvacant sites</u> 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.	Additional analysis and information has been included in the Housing Resources Appendix to justify the inclusion of non-vacant sites in the inventory.	Appendix C, H-C-14 et seq. The required findings are also included in the HE Adoption Resolution.
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 - 445 S. B Street (APN: 034-179-050;-060) and 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 at 445 S. B Street. The 505 S. B Street site has been removed as it does not appear feasible for housing development during this cycle. The 23-31 HE and Appendix C have been updated to provide further information about the 445 S. B St site.	Base document, H-41 and H-42; and Appendix C, detailed sites narratives.

23	Inventory	<p><u>Replacement Housing Requirements:</u> 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).)</p> <p>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.</p>	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.	See revised language in base document H-45 and Policy H2.6.
24	Inventory	<p><u>Previously Identified Nonvacant and Vacant Sites:</u> 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:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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).)</li> </ul>	A program has been added to address this comment.	See base document Policy H1.10.
25	Inventory	<p><u>Accessory Dwelling Units (ADU):</u> 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.</p>	More analysis and discussion has been added to the 23-31 HE, the ADU production estimates have been adjusted to align with the four-year permitting average and the policy has updated with more detailed/new implementation programs has been added to ensure ongoing monitoring, compliance with state law and robust ADU development to meet production estimates.	See base document H-39 and H-40, and Policy H1.4.

26	Inventory	<b>AB 725:</b> 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)).	Language has been included to address this requirement.	See base document H-45
27	Inventory	<b>Infrastructure:</b> 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 23-31 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.	See base document H-19 and H-20; and new Policy H1.20
28	Inventory	In addition, the element generally mentions <u>infrastructure constraints for infill development</u> . The element must describe and analyze the constraints as well as their impacts on the identified sites to meet the RHNA.	The individual sites analysis in Housing Resources includes site-by-site discussion of infrastructure constraints. In addition, added narrative is found in Appendix B.	See Appendix <b>B</b> H-B-17 and H-B- 51, and individual sites tear sheets in Appendix C
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 <a href="https://www.hcd.ca.gov/priority-for-water-and-sewer">https://www.hcd.ca.gov/priority-for-water-and-sewer</a> .	The 23-31 HE includes information to demonstrate compliance with this requirement.	See base document H-19 and H-20; and new Policy H1.20
30	Inventory	<b>Environmental Constraints:</b> 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 individual sites analysis in Housing Resources includes site-by-site discussion of infrastructure constraints.	See Appendix C individual sites tear sheets starting on H-C-16

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; 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).</u>	The Constraints Analysis provides general information about zoning capacity, strategies and programs to provide emergency shelters and address homelessness. In addition, a new policy has been added to address this comment.	See Appendix B H-B-39 et seq., and base document Policy H3.7 with explicit references to the code.
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.		
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.		
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.	Discussion in Constraints Analysis has been updated to include information on these uses, and a new program addresses this comment.	See Appendix B H-B-42 et seq.; and base document Policy H3.7.
35	Zoning	<i>Single Room Occupancy (SRO) Units:</i> The element must describe where SROs are allowed or add a program as appropriate.	The 23-31 HE has been updated to include a program that explicitly identifies where SROs can be located.	See base document Policy H1.7.
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 23-31 HE has been updated to include a program to explicitly allow manufactured housing and be subject to the same zoning requirements as single-family homes.	See base document Policy H1.7.
37	Zoning	<i>Accessory Dwelling Unit (ADU):</i> 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	The City has still not received a letter from HCD which identifies the non-compliance issues with the City's ADU Ordinance; however, a program has been added to address this comment once it has been received.	See base document Policy H1.4.

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, <b>supply, housing choice, affordability</b> , timing, approval certainty and ability to achieve maximum densities <b>and include programs to address identified constraints</b> .	The Constraints Analysis has been updated throughout to address this comment.	See Appendix B in its entirety.
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 multi-family zones ranges between 35 to 55 feet. There are no limits on building stories in the City. The Hillsdale Station TOD area allows maximum heights of 24 feet to 55 feet. The 24 feet height limit applies to single-family zoned parcels in the Hillsdale TOD Specific Plan. The narrative has been edited in the Land Use Controls section (Table 2) to clarify the height requirements as up to 55 feet.	See Appendix B, beginning on H-B-5
40	Constraints	The element should also analyze the open space requirements for the R-3 zone.	A program was identified to study impediments to missing middle housing (including open space requirements). The Constraints Analysis was updated to evaluate the impacts.	See Appendix B H-B-6 and base document Policy H1.13.
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.	Additional narrative has been added to address this comment, and a policy has been amended to reflect compliance a variety of parking requirements.	See Appendix B H-B-11 and base document Policy H1.7.
42	Constraints	In addition, the element should clarify how multifamily developments are allowed in the E and C zones and whether they require a use permit.  Both in the element and in public comments, height restrictions, floor area definitions, maximum densities of 50 dwelling units an acre, and design review guidelines were identified as constraints to development and should be addressed in programs as appropriate.	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 23-31 HE analysis and policies have been updated to address this comment as follows: - 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.	See Appendix B H-B-5 and base document Policies H1.7, H1.8, H1.13, and H1.21

			- The General Plan Update process is anticipated to allow for increased heights and densities.	
43	Constraints	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.	Constraints Analysis included fees and analysis by typical single-family and multi-family development (Table 6). Additional narrative has been included to add to the analysis.	See Appendix B beginning on H-B-20
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.	Additional narrative and analysis have been included.	See Appendix B beginning on H-B-20 and then beginning on H-B-31, as well as Table 6.
45	Constraints	Local Processing and Permit Procedures: While the element includes information about processing times, it should also <u>describe the procedures for a typical single family and multifamily development.</u> 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 <u>(as well as whether finding five is related to a crime free ordinance).</u> 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, <u>the presence of processes or guidelines to promote certainty and add or modify programs as appropriate.</u> The element should also clarify whether the listed <u>typical approval times are for both single family and multifamily developments.</u> Lastly, it should clarify whether the preapplication process <u>adds six to nine months in addition to the typical approval times listed and add or modify programs as appropriate.</u>	Additional narrative and analysis have been included.	See Appendix B beginning on H-B-24
46	Constraints	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.	Constraints analysis has been updated to describe the envisioned layering of density bonus and community benefits.	See Appendix B H-B-13 and Policy H1.3.

47	Constraints	Zoning Fees and Transparency: The element must <u>clarify its compliance</u> 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).	See Appendix B, Section 2.7.1, links to webpages added in footnotes, cross-references in Sections 2.7.1 & 2.7.2
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 23-31 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 non-governmental constraint on housing production 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. New narrative added to the HE.	See Appendix B beginning on page H-B-55, and base document H-40 and Policy H1.21
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 was last updated in 2018 and may not be fully consistent with State law. The City has been defaulting to the state statutes for implementation. A policy has been added to review and update as necessary to be consistent with state law.	See base document Policy H1.3 (update ordinance in 2023-24).
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. Additional narrative has been provided to address this comment.	See Appendix B H-B-29 et seq., and base document Policy H1.6.
51	Constraints	On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot	The Constraints Analysis has been updated to provide additional narrative to address this comment.	See Appendix B H-B-18

		minimum street width) and analyze their impact as potential constraints on housing supply and affordability.		
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.	More narrative has been included on the City's Reasonable Accommodation requirements, including those that can be accomplished by-right.	See Appendix B beginning on H-B-38
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.	A program has been modified to address this comment.	See base document Policy H1.14
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 to allow larger group homes consistent with State law and fair housing requirements. Additional narrative has been added to the constraints section about group homes.	See Appendix B H-B-37 et seq. and base document Policy H1.14 (updated)
55	Constraints	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.	The Draft HE included an analysis of time lapse between planning approval and building permit submittal, as well as requests for developments at reduced densities.	See Appendix B H-B-51
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).	See both Appendix A (Needs) as well as Appendix D (AFFH).
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:	With respect to all comments on programs requiring additional information, please see the revised implementation plan at the end of the 23-31 HE for revisions.	See base document GPPs.

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.	Policy has been updated.	Policy H1.2
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.	Policy has been updated.	Policy H1.4
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. However, this requires further study before implementation. Back up implementation measure added.	Policy H1.5
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.	Policy has been updated.	Policy H1.6
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.	Policy has been updated.	Policy H1.15
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.	Policy has been updated.	Policy H1.17
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.	Policy has been updated.	Policy H1.18
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.	Policy has been updated.	Policy H1.19
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.	Policies have been updated.	See base document, implementation programs updated for each of the

				referenced policies
67		Policy 3.3 (Evaluate Housing Revenue Sources): This program must describe the implementation component for action A.	Policy has been updated.	Policy H3.3
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.	Policy has been updated.	Policy H3.5
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.	Policy has been updated.	Policy H4.2
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.	Policy has been updated.	Policy H4.4
71		Policy 5.1.2 (Regional Down Payment Assistance): This program should include outreach for education.	Policy has been updated.	Policy H5.1.2
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.	Policy has been updated.	Policy H5.2.2
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.	Policy has been updated.	Policy H5.3.2
74		Policy 5.4.2 (Project Sentinel): This program should be revised to include outreach and describe how awareness will be increased.	Policy has been updated.	Policy H5.4.2
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.	Policy has been updated.	Policy H5.4.3
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.	Policy has been updated.	Policy H5.4.5
77	Other GPPs	<u>Policy 1.1 (Monitor RHNA)</u> : While this program ensures sufficient sites are identified, it should commit to identifying additional sites throughout the planning period if needed to accommodate the City's RHNA.	Policy has been updated.	Policy H1.1

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.	Policy has been updated.	Policy H1.10
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 has been updated.	Policy H1.12
80	Other GPPs	Policy 2.4 (Capital Improvements in Lower-Resourced Neighborhoods): The program should describe what capital improvements will be included.	Policy has been updated.	Policy H2.4
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.	Policy has been updated.	Policy H3.7
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.	Policy has been updated.	Policy H5.1.3
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 has been updated.	Policy H1.3
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.	Policy has been updated.	Policy H1.7
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.	Policy has been updated.	Policy H1.13
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	Policy has been updated.	Policy H1.14

		approval certainty. In addition, the program must be implemented earlier in the planning period to ensure a beneficial impact.		
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.	Policy has been updated.	Policy H5.2.1
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.	Policy has been updated.	Policy H2.2
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 anticipates doing 31 rehab projects annually through CDBG (248 over the eight year cycle); and 10 CALHOME rehabs annually (80 over the eight year cycle). This information was included in the Draft.	See base document H-89
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 Let's Talk Housing sessions.	Information on translation services has been included in the public participation Appendix and the 23-31 HE.	See base document H-50 through H-52 and H-58 and Appendix F pages 458-467
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.	Additional narrative has been added to address this comment.	See base document, H-19