

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

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October 6, 2022

Darcy Smith, Interim Director
Community & Economic Development Department
City of San Bruno
567 El Camino Real
San Bruno, CA 94066

Dear Darcy Smith:

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

Thank you for submitting the City of San Bruno's (City) draft housing element received for review on July 8, 2022, along with revisions received on October 3, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on September 16, 2022 with yourself, Michael Laughlin, Michael Smith, Kristie Woo, and consultant Sabina Mora. In addition, HCD considered comments from San Francisco International Airport, Housing Leadership Council of San Mateo County, and YIMBY Law and Greenbelt Alliance pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c) (1) and Government Code section 65583.2, subdivision (c) are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and cooperation the housing element update team provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Hillary Prasad, of our staff, at Hillary.Prasad@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF SAN BRUNO

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at <https://www.hcd.ca.gov/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

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

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

A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. While the element includes progress and actual results of implementation of some programs, this analysis must be included for all programs. In addition, the element must provide a description of how the objectives and programs of the updated element incorporate changes resulting from the evaluation.

If the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, the City must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2023-2031 planning period. (Gov. Code, § 65584.09.) Program 2-A was necessary to demonstrate compliance with the adequate sites requirement in the previous planning period, however it was not completed. To demonstrate adequate sites were made available in the prior planning period, the element must include an analysis or programs demonstrating compliance with the statutory requirements. For additional information, see HCD's AB 1233 Memorandum at <https://www.hcd.ca.gov/hcd-memos> and the Building Blocks at <https://www.hcd.ca.gov/review-and-revise>.

As part of the review of programs in the past cycle, the element must evaluate the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness).

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Integration and Segregation: The element reports some data regarding segregation and integration of race, disability, familial status, and income. The element must evaluate racial patterns at a regional basis, comparing the City to the region. 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. Lastly, the element must describe and analyze concentrations of income and familial status geographically throughout the City.

Disparities in Access to Opportunity: While the element identified an area of access to education with lower outcomes, it must describe and analyze how that affects fair housing and other factors. In addition, the element should describe and analyze the access to jobs and transit throughout the City and for protected classes. The element must also analyze the areas of poor environmental outcomes and identify actions to address fair housing issues.

Disproportionate Housing Needs Including Displacement: While the element reports some data on disproportionate needs, it should describe any geographic concentration of cost burden and overcrowding by tenure, as well as any concentrations of substandard housing. The element must also describe and analyze areas sensitive to displacement, including displacement risk due to disaster (e.g., earthquake, fire, and flood).

Sites Inventory: While the element analyzed identified sites against some fair housing factors, the element must identify whether sites improve or exacerbate fair housing issues in the City. 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).

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

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

Housing Stock Condition: The element must include an estimate of the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.

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

- 3. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

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

Sites Inventory: The element must list sites by parcel number, parcel size, zoning, general plan designation, describing existing uses for nonvacant sites and include a calculation of the realistic capacity of each site. While the element includes most of these requirements, the inventory must include the calculation of units in whole number increments. In addition, sites that are identified for rezone must include existing and proposed general plan and zoning designations. The element must also ensure there are sufficient sites identified in the inventory, either with existing zoning or proposed rezones to meet the lower and moderate income RHNA.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions (e.g., recent project examples). 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. In addition, the element should describe what factors were included in the realistic capacity assumptions, especially in the mixed-use zones. Currently, the element includes many sites in the transit-oriented development (TOD) which does not include a maximum density. Assumptions of realistic capacity should be supported with examples. Further, some sites in the inventory assume over 200 units an acre (including site 1 on page 6-13). These

assumptions should be supported with examples. Examples to support realistic capacity assumptions should also include affordability levels, and percent of maximum densities.

Finally, 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.

Zoning for Lower-Income Households: The element must demonstrate zoning appropriate to accommodate housing for lower-income households. For sites with zoning meeting specified densities or default densities (30 units per acre in San Bruno), no analysis is required. Otherwise, the element must include analysis based on statutory factors. While the element identifies densities of at least 30 units per acre for many of the sites to accommodate housing for lower-income households, other sites do not meet the default density. As a result, if relying on densities less than 30 units per acre to accommodate the lower-income RHNA, an analysis must be included to demonstrate how the zoning encourages the development of units affordable for lower-income households. Please see HCD's Building Blocks for more information.

Small and Large Sites: Sites smaller than half an acre or greater than ten acres are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the housing element describes other evidence to HCD that the site is adequate to accommodate housing for lower-income households. (Gov. Code, § 65583.2, subd. (c)(2)(A).) Based on the outcomes of the analysis, the element should add or modify programs.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, the element must analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as former schools, and a gas station; but must also demonstrate whether these existing uses would impede development of these sites within the planning period. The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. The element could also support, based on recent development trends, indicators such as age and condition of the existing structure, expressed developer interest, existing versus allowable floor area, low improvement to land value ratio, and other factors.

In addition, as noted in the housing element, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.

Tanforan Site: While the element includes some information on this site, it should describe feasibility and timing of development during the planning period and add or modify programs as appropriate. The element mentions an agreement with the developer for a minimum of 1,000 units but it should describe timing, whether a specific plan is needed, and affordability assumptions on the site. The element should also address any known constraints to development (e.g., airport compatibility) and modify programs to ensure the availability of the site or identify alternative sites.

Sites Identified in Multiple Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within one or three years, whichever is applicable. If utilizing sites outside of the Transit Corridors Specific Plan for the lower-income RHNA, the element should clarify if sites were identified in prior planning periods and if so, which sites and include a program. The program should ensure sites will meet density requirements and allow by-right approval for housing developments that include 20 percent or more of its units affordable to lower income households.

Accessory Dwelling Units (ADU): The element projects 345 ADUs over the planning period or approximately 43 ADUs per year over the eight-year planning period. These trends are inconsistent with HCD records (6 reported in 2018, 17 in 2019, 7 in 2020, and 70 in 2021) and do not support an assumption of 43 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., 6 months) if needed. The element must also address affordability assumptions for ADU projections.

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

Infrastructure: While the element includes a general discussion on water and sewer capacity, it must demonstrate sufficient existing or planned water and sewer capacity to

accommodate the RHNA for the planning period and add or modify programs if necessary.

Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must describe any other known environmental constraints or conditions within the City that could impact housing development in the planning period.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element should describe the development standards of the M-1 zone that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. 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.
- *Transitional and Supportive Housing:* Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) The element must describe and analyze the City's transitional and supportive housing standards and codes and demonstrate consistency with Section 65583(c)(3) or add or revise programs to comply with the statutory requirements.
- *By-Right Permanent Supportive Housing:* Supportive housing 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 65651. The element must demonstrate compliance with these requirements and include programs as appropriate.
- *Low Barrier Navigation Centers:* While the element includes a program to allow Low Barrier Navigation Centers, it is limited to emergency shelter zones. Low Barrier Navigation Centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65660. The element must demonstrate compliance with this requirement and include programs as appropriate.
- *Single Room Occupancy (SRO) Units:* The element must describe where SROs are allowed or add a program as appropriate.
- *Employee Housing:* The element must demonstrate the City's zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and, if necessary, add or modify programs. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.
- *Accessory Dwelling Units:* While the City does have an ADU ordinance, it is currently under review by HCD for consistency with State ADU Law. HCD will provide communication of ADU compliance issues under a separate cover. If

necessary, the element should add a program to update the City's ADU ordinance to comply with state law.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to parking, heights, lot coverage and limits on allowable densities. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints. The element should analyze the interaction of the General Plan designation for high density residential allowing 24-40 dwelling units an acre, but the R-4 zoning district limits densities to 30 dwelling units an acre and whether the maximum density in the R-4 is a constraint. In addition, the element must analyze whether the garage setbacks apply to multifamily developments and whether they are a constraint on housing. On page 3-6, the element lists parking requirements for "general residential"; it should also clarify whether parking requirements for mixed-use zones differ than the general residential parking requirements and add a program as appropriate. Lastly, the element states that the full build-out of the sites located in the TCP would exceed the maximum of 1,610 units allowed under the current Environmental Impact Report (EIR). The element must analyze whether exceeding the allowed units is a constraint and either adjust capacity assumptions or add programs as appropriate.

Fees and Exaction: While the element describes many fees and the typical deposit range, it must describe all required fees for single family and multifamily housing development, including all impact and regional fees, and analyze their impact as potential constraints on housing supply and affordability. In addition, the analysis should identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing.

Local Processing and Permit Procedures: While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing, and approval certainty.

Design Review: The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and

guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.

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.)

Streamlining Provisions: While the element states that they followed SB 35 procedures for a prior project, it should clarify whether the City has procedures in place consistent with streamlining procedures pursuant to Government Code section 65913.4 and include programs as appropriate.

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

Constraints on Housing for Persons with Disabilities: The element identifies approval findings for granting a reasonable accommodation including finding related to impacts on surrounding uses – essentially a conditional use permit finding. However, reasonable accommodation should be a unique exception process from a conditional use permit, especially given its importance in addressing barriers to housing for persons with disabilities. The element should include a program to amend the Reasonable Accommodation Ordinance and remove constraints, including but not limited to the “potential impact on surrounding uses” approval finding. In addition, while the element states that unlicensed residential care facilities must require a license from the state licensing agency before operation, zoning and standards should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities may pose a constraint on housing choice for persons with disabilities. The element should include specific analysis of these and any other constraints for impacts on housing for persons with disabilities and add or modify programs as appropriate. Lastly, the element must describe and analyze any definitions of family used in zoning and land use for impacts on housing for persons with disabilities and add or modify programs as appropriate.

- An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Availability of Financing: The element must describe the availability of financing, including private financing and government assistance programs, is generally available in the community.

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.

6. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

Persons with Disabilities: While the element quantifies the number of persons with disabilities, it must also analyze their special housing needs. For a complete analysis, the element should discuss challenges faced by the population, the existing resources to meet those needs, an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

C. Housing Programs

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

To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, programs should have specific commitment toward housing outcomes and discrete and early timing (e.g., at least annually or by a specified date). Many programs list timing as within one year of certification. The timing of these programs should be benchmarked to a known date (e.g., within one year of the planning period). In addition, examples of programs that should be revised include the following:

- *Programs 1-E (Publicly Post Status Updates) and 1-F (Consolidate Fee Schedules)*: These programs should clarify how often the listings will be updated.
- *Program 2-A (Study the South El Camino Real Corridor), 2-E (SB 9 Implementation Guidelines), 3-B (Displaced Residents), 4-A (Reasonable Accommodations), 4-E (Home Sharing Opportunities), 5-B (Affordable Housing Fund Resources), 8-A (Create an Affirmative Marketing Strategy)*: These programs should include proactive outreach and specify how often it will occur throughout the planning period.

- *Program 2-B (Evaluate Ballot Initiative)*: This program should include public outreach. In addition, the program must be implemented earlier in the planning period to ensure beneficial impact and include specific commitment to the action.
- *Program 2-C (Support Development of Housing Opportunity Sites)*: This program should clarify how often outreach will occur and whether incentives will be provided.
- *Program 2-G (Publicize Affordable Housing Financing Strategies)*: The program should clarify how often outreach will occur and sources will be updated.
- *Program 4-B (Fair Housing Training for Landlords and Tenants)*: This program should commit to additional trainings during the planning period.
- *Program 4-C (Publicize Affordable Housing Financing Strategies)*: The program should clarify how often outreach and coordination will occur. In addition, it should include timing of when the in-lieu fee strategy will be developed.
- *Program 4-D (Nexus Study for Affordable Housing Program)*: The program should include an action and timing to implement the results of the study.
- *Program 4-G (Affordable Unit Set-Aside)*: The program should include implementation beyond research as well as include proactive outreach.
- *Program 4-I (Increase Supply of Housing for Large Families)*: The program should clarify what actions will be taken to encourage large units, such as incentives. The element should also include outreach to developers.
- *Program 5-C (Revise Affordable Housing Ordinance)*: The program should include back-up actions if the existing action is deemed infeasible.
- *Program 5-D (Retain Public Land)*: This program should clarify what is being implemented and include timing.
- *Program 5-E (Expedite Review of 100% Affordable Housing Projects)*: The program should clarify what the timing is tied to if the program is continuing.
- *Program 6-A (Replacement of Below Market Rate Units)*: The timing of this program should be earlier in the planning period to ensure beneficial impact.
- *Program 8-B (Partner with Local Fair Housing Organizations)*: The program should include timing of how often training will occur.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs

to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Program 2-F (Require a minimum of 1,000 Housing Units on Tanforan Mall Project):

This program should clarify whether incentives will be provided for affordable units, what actions will be implemented to ensure a set aside for persons with disabilities, how often outreach will occur, and clarify what will be implemented within the identified timeframe.

Shortfall of Adequate Sites: if the element does not identify adequate sites to accommodate the regional housing need for lower-income households, it must include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period. The program should identify the shortfall by income group, acreage, allowable densities, appropriate development standards and meet all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i), including but not limited to permitting multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower income households.

Program 2-H (Release RFP for City-Owned Sites): The element identified City-owned sites to accommodate a portion of the RHNA. The element should include a program with numerical objectives that ensures compliance with the Surplus Land Act, provides incentives and actions along with a schedule to facilitate development of City-owned sites. Actions should include outreach with developers, issuing requests for proposals, incentives, fee waivers, priority processing and financial assistance. In addition, a similar program should be added for school owned sites.

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

The element must include a program(s) with specific actions and timelines to assist in the development of housing for extremely low-income households. The program(s) could commit the City to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers.

In addition, the element must also include a program(s) to assist in the development of housing for all special needs households (e.g., elderly, homeless, farmworkers, persons with disabilities, female-headed households). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of*

housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)

As noted in Findings B4 and B5, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:

Heights: Programs to address restrictions on heights (Programs 2-A and 2-B) should specifically commit to take an initiative to the ballot by a specified date and complete alternative actions by a specific date if the ballot initiative is not passed.

Short Term Rentals: As noted in the element, a program should be added or modified to conduct research and take action as appropriate by a specified date.

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

The element must include a program(s) to conserve and improve the condition of the existing stock, which may include addressing the loss of dwelling units. A program could provide grants for substantial rehabilitation, provide matching grants for homeowner improvements, or implement proactive code enforcement program.

6. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must include a complete analysis of Affirmatively Furthering Fair Housing (AFFH). The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends.

7. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

Program 4-H (Promote Accessory Dwelling Unit Ordinance): The program should include proactive outreach throughout the planning period. In addition, the program should include incentives beyond the City's ordinance and webpage and commit to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., 6 months) if assumptions are not realized.

D. Quantified Objectives

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

The element generally did not address this requirement. The element must include quantified objectives for construction, rehabilitation, and conservation by income group, including extremely low-income households. Please see the Building Blocks for additional information.

E. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

While the element includes a summary of public participation including outreach to the community, it must also describe whether translation services were available during public participation including, but not limited to, public workshops, Planning Commission, and City Council meetings.

F. Consistency with General Plan

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

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