

San Mateo County 2022-2031 Housing Element Update – March 2024 Draft Inventory of Housing Element Changes in Response to HCD Comment

The inventory below presents the locations of amendments and clarifications in San Mateo County's draft updated Housing Element, in response to comments received from the California Department of Housing and Community Development on April 20, 2023, as well as a list of other substantive changes made since the prior Housing Element Draft (January 20, 2023). HCD's full comment letter is [here](#). The updated San Mateo County Housing Element is [here](#). Changes are shown in the draft Housing Element in **red text**.

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).)

While the element describes results of the prior element's programs, it must also evaluate the effectiveness of prior programs and then add or modify current programs as appropriate based on the evaluation.

- Each program and policy reviewed in Appendix D of the Housing Element, beginning with on page D-1, now includes a review of effectiveness, and description of the status of the program. Various programs in the updated Housing Element, included in the Housing Plan, have been modified based on this evaluation.

In addition, the element must provide an evaluation of the cumulative effectiveness of past 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) and revise programs as appropriate.

- An evaluation of the cumulative effectiveness of past goals, policies and related actions in meeting the housing needs of special needs populations is included at the end of Appendix D, on pages D-64 through D-66.

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).)*

Enforcement and Outreach: The element provides a discussion on community outreach conducted, but it must also describe the process to refer fair housing complaints and how the County complies with federal and state fair housing laws.

- This description has been added to the Housing Element in Appendix G, Section I, pages G-13 through G-15.

Integration and Segregation: While the element discusses some patterns and trends within the County related to persons with disabilities and household incomes, it should also compare the County to the broader region for these factors. In addition, the element should describe patterns and trends for familial status within the County

(comparing different areas of the County) and at a regional level (comparing the County to the broader region). Lastly, the element should analyze what contributes to the identified segregation of race within the County to better formulate appropriate policies and programs. For example, the analysis of patterns and trends should incorporate local data and knowledge and other relevant factors (See below) to refine the fair housing issues and formulate an appropriate and impactful policy and program.

- Expanded assessment of integration and segregation has been incorporated in the Housing Element in Appendix G, Section II, pages G-16 through G-29.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Racially Concentrated Area of Affluence (RCAA): While the element states where R/ECAPs are located within the County, it must provide specific analysis of conditions and circumstances. The analysis should address trends, coincidence with other fair housing issues (segregation and integration, access to opportunities, disproportionate impacts), neighborhood conditions (e.g., housing, infrastructure, circulation, parks, community facilities and amenities) and compare overall quality of life to other areas of the County. Then, the element should formulate significant and meaningful policies and programs, including but not limited to place-based strategies toward community revitalization and mitigation of displacement risk. Similarly, the element must analyze the RCAAs. The analysis should consider coincidence with other fair housing issues, discuss the presence of RCAAs relative to the broader region and incorporate local data and knowledge and other relevant factors such as zoning and land use practices or lack of investment or other policies to promote affordable housing. Then, the element should include significant and meaningful actions to promote housing mobility and new housing opportunities in higher opportunity, higher income and concentrated areas of affluence to facilitate more inclusive neighborhoods.

- While San Mateo County has no formal R/ECAPs as identified by State and Federal mapping, the Housing Element does discuss the two edge R/ECAP census tracts located within the County, and the R/ECAP formerly identified in the 2010 Census data, in Appendix G on pages G-30 and G-31. Additional discussion of R/ECAPs and RCAAs has been added to Appendix G on pages G-31 through G-34.

Disparities in Access to Opportunity: While the element provides an analysis of patterns and trends within the County (local analysis), it must be revised to include a regional analysis (comparing the County to the broader region) for education, economy, and environment. In addition, the element should describe whether there is equal access to transit throughout the County, including unincorporated areas and provide a regional analysis. The element should also describe what factors contribute to low education

scores and job access within unincorporated areas.

- An expanded assessment of disparities has been added to Appendix G, Section III, on pages G-35 through G-44.

Disproportionate Housing Needs Including Displacement: The element should provide a regional analysis for cost burden and overcrowding. In addition, the element must describe any concentration of substandard housing both locally and regionally. The element should also clarify whether the most recent Point in Time (PIT) count for persons experiencing homelessness is representative of the County. The element must also describe and analyze areas sensitive to displacement, including displacement risk due to disaster (e.g., earthquake, fire, and flood).

- This assessment has been added to Housing Element in Appendix G, on pages G-46 through G-62.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element must include a locational analysis (neighborhood by neighborhood) of the regional housing needs allocation (RHNA) by income group and evaluate the impact of identified sites in each area. 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 County. 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).

- This assessment is included in the updated Housing Element in Appendix G, beginning on page G-63.

Other Relevant Factors: To complete an analysis, the element must complement state and federal data and mapping with other relevant factors that contribute to fair housing issues in the jurisdiction. Other relevant factors should be incorporated into the discussion of socio-economic patterns. For instance, the element can analyze historical land use and investment practices and how that influenced fair housing issues. For more information, please see HCD's AFFH Guidance Memo at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

- Historical land use patterns and investment practices are discussed in Appendix G, pages G-1 through G-5, and augmented information has been incorporated throughout Appendix G.

Contributing Factors: The element identifies many contributing factors to fair housing issues. Based on a complete analysis, the element must re-assess and particularly prioritize these factors to better formulate policies and programs and carry out significant and meaningful actions.

- The fair housing programs included in the Housing Plan, and those aggregated in the Fair Housing Action Plan in Appendix G-5, have been expanded to prioritize and target these factors. New and modified programs are indicated in redline, and fair housing programs are specifically identified in the Housing Plan, as well as included in the Fair Housing Plan.

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: While the element states that the need for housing rehabilitation and replacement has increased since the last housing element, it 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 nonprofit housing developers or organizations.

- Additional information on housing stock conditions has been added to Appendix A, on pages A-39 through A-42.

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., Zillow, apartments.com).

- Additional information on rental costs from local listings has been added to Appendix A, Table A-49b, page A-29.

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

- The Housing Element does not count any units built since June 30, 2022 against the County's RHNA.

Realistic Capacity: While the element states that realistic capacity is based on recent trends, it must state what the actual assumptions are in each zone. The element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved

residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. The element also needs to analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow 100 percent nonresidential uses (e.g., mixed-use). This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development.

- An expanded assessment of recent development trends and types and an expanded assessment of development and redevelopment feasibility justifying the projections incorporated in the Housing Element are included in Appendix E, pages E-2 through E-12, as well as a comprehensively updated Sites Inventory and Rezoning Program.

In addition, the element appears to assume residential development on sites with zoning that allows 100 percent nonresidential uses, but to support this assumption, the element must analyze 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.

- It is important to note that none of the commercial mixed-use zones included in the Housing Element allow 100 percent non-residential development. All of the zones included in the Housing Element (CMU commercial mixed use zones, NMU neighborhood mixed-use zones, and PC/Planned Colma zone) allow only either 100% multifamily development, or primarily residential development with a limited portion of non-residential development on the ground floor only. This has been clarified in the Housing Element in Appendix B on pages B-6, B-7, B-9, B-11, and B-12, and in Appendix E on page E-6.

The Housing Element does include some areas currently zoned to allow entirely non-residential development in the Rezoning Program, but these are proposed for rezoning to allow only 100% multifamily development, or multifamily residential development with a limited amount of ground-floor non-residential uses only.

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 commercial, parking, and residential; 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 County 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 RHNA.

- The Housing Element includes significantly expanded discussion of these factors, as well as a comprehensively revised Sites Inventory and Rezoning Program, throughout Appendix E.

Small Sites: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated 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 lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).). The element lists small sites and states the sites are suitable but must also evaluate whether those sites are suitable to accommodate housing for lower income households and add or modify programs as appropriate. For example, the element could list past consolidations by the number of parcels, number of owners, zone, number of units, affordability and circumstances leading to consolidation and then relate those trends to the identified sites or could explain the potential for consolidation on a site-by-site basis.

- The Housing Element now includes significantly expanded analysis of the developability of small sites, based on recent trends in the unincorporated County and countywide, demonstrating the feasibility and likelihood of these sites, included in Appendix E.

SB 9 Sites: The element identifies SB 9 as a strategy to accommodate the part of the County's need of moderate and above-moderate RHNA. To support these assumptions, the analysis must include experience, trends and market conditions that allow lot splits and missing middle uses. The analysis must list the potential SB 9 sites and demonstrate the likelihood of redevelopment, including whether existing uses constitute as an impediment for additional residential use. The analysis should describe how the County determined eligible properties, whether the assumed lots will have turnover, if the properties are easy to subdivide, and the condition of the existing structures. The analysis should also describe interest from property owners as well as experience. The analysis should provide support for the units assumed to be developed within the planning period. Based on the outcomes of this analysis, the element should add or modify to establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development as well as monitor development every two years with and identify additional sites within six months if assumptions are not being met. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9.

- While the County continues to receive application for and continues to approve SB 9 sites in growing numbers, consistent with the State's intent to incentivize this type of development, the updated Housing Element does not include any projections of SB 9 sites.

Replacement Housing Requirements: Generally, if the sites inventory identifies sites with existing residential uses that meet specific conditions, the element should include a program for replacement housing. 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 Sites Inventory does not include any sites subject to the requirements of Government Code section 65915, subdivision (c)(3).

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. The element should clearly indicate any sites that were identified in the prior planning period that are being utilized for the lower-income RHNA, then add or modify programs, if necessary. 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.

- The Housing Element Sites Inventory does not include any sites identified in prior planning periods, with the exception of sites that have been rezoned for significantly different uses and densities since adoption of the prior Housing Element, and/or sites that are proposed to be rezoned for significantly different uses and densities as part of the Housing Element's Rezoning Program.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the County must submit an electronic sites inventory with its adopted housing element. The County must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The County can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

- An electronic sites inventory was submitted with the County's initial submittal of the updated Housing Element to HCD, and a comprehensively revised electronic sites inventory will be submitted with resubmittal of the amended Housing Element.

Accessory Dwelling Units (ADU): The element projects 355 ADUs over the planning period or approximately 44 ADUs per year over the eight-year planning period. These trends are inconsistent with HCD records and do not support an assumption of 44 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 for production and affordability (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, by clarifying what ABAG assumptions are utilized.

- The ADU projections in the Housing Element have been amended to project 240 units over the next 8 years, consistent with ADU development over the past 4 years, with no additional projected growth, as shown in Appendix E, pages E-32 and E-33. The Housing Plan also includes a number of programs intended to incentivize and facilitate ADU production.

Infrastructure: While the element states that there is sufficient water and sewer capacity to address the RHNA, it also states that there are limitations and constraints in certain areas of the unincorporated County. Given the lack of capacity, the element should include programs to address water and sewer infrastructure capacity such as pursuing funding and other opportunities to expand supply through conservation or employing strategies to secure additional water capacity.

- The discussion of infrastructure constraints in the Housing Element is unrelated to the areas and sites identified in the Sites Inventory and Rezoning Program, and those sites are not impacted by such constraints. However, the Housing Plan identifies several programs intended to assess and address infrastructure constraints, including HE 7.5, HE 15.1, HE 18.1, He 22.5 and HE 22.7.

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 County's housing element, including the County's housing needs and regional housing need. The element should demonstrate compliance with these requirements and add or modify programs, if necessary. For additional information and sample cover memo, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/priority-water-and-sewer>.

Environmental Constraints: While the element generally describes a few environmental conditions, it must relate those conditions to identified sites and describe any other known environmental or other constraints (e.g., shape, conditions, easements, contamination) that could impact housing development on identified sites in the planning period.

- The Sites Inventory and Rezoning Program and the developability and redevelopability of sites included in Appendix E and in the electronic submission of this data includes all known environmental constraints.

Zoning for a Variety of Housing Types:

- **Emergency Shelters:** The element should describe the development standards of the PC 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. Lastly, Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element may need to address these statutory requirements. For additional information and timing requirements, please see HCD's memo at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf>.

- This information is included in Appendix B, page B-2.

- **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.

- As noted in Appendix B, pages B-22 through B-25, while the County follows the provisions of Government Code section 65651, the County's regulations do not directly address the permitting of permanent supportive housing. Program HE 22.12 commits the County to appropriately updating its zoning regulations.

- **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.

- As noted in Appendix B, pages B-22 through B-25, while the County follows the provisions of Government Code section 65651, the County's regulations do not directly address the permitting of navigation centers, which were not a known development type when the majority of the County's zoning regulations were drafted. Program HE 22.12 commits the County to appropriately updating its zoning regulations.

- **Single Room Occupancy (SRO) Units:** The element generally lists SROs as allowed uses with a conditional use permit (CUP) in some zones but should also discuss development standards and permit procedures that facilitate the uses and add or modify programs as appropriate to address any constraint.

- As noted in Appendix B, pages B-22 through B-25, the County allows SROs in all multifamily zones, but in most cases the County's regulations do not mention SROs as a permitted or prohibited use. Program HE 22.12 commits the County to

appropriately updating its zoning regulations.

- *Accessory Dwelling Unit (ADU)*: The element indicates the County modifies its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the County's ordinance, HCD discovered several areas which are not consistent with State ADU Law. HCD will provide a complete listing of ADU noncompliance issues under a separate cover. As a result, the element should add a program to update the County's ADU ordinance 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 County has been in communication with HCD but has yet to receive the listing discussed above. However, the County has amended its zoning regulations regarding ADUs several times since 2018 to comply with changes to State law, and is currently in the process of updating its regulations to conform to subsequent changes to State law, as noted in HE 26.7 in the Housing Plan.

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.

Specifically, the element must describe and analyze all parking requirements including garage requirements and those identified as a constraint (p. G-15). In addition, the element should describe and analyze limits on new residential permits per year identified in the Local Coastal Plan and add a program to address the constraint. In Table B-1, the element only lists one allowed density, instead of a range of allowed densities for mixed-use zones. The element must analyze whether this is a constraint on development and add a program as appropriate. The element should also analyze maximum lot coverages (less than 50 percent for multifamily zones), height limits, setbacks, daylight plane requirements, minimum lot size, and open space requirements. Lastly, the element should list the typical densities allowed in each zone.

- This information is included in Appendix B, beginning on page B-6.

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. For additional information and a sample analysis and tables, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/fees-and-exactions>.

- This information is included in Appendix B, pages B-26 through B-44.

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. For example, the element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate. In addition, the element states that multifamily development requires a CUP in commercial zones. The County is currently relying on commercial zones to meet lower income RHNA. The element should analyze the constraint and add a program as appropriate. In addition, the element must describe the variance process as it is described as needed for some developments under existing land use standards. The element should also analyze the length of time to process typical single family and multifamily developments. Lastly, the element should describe the Planned Unit Development (PUD) process and whether it is required or optional and add programs as appropriate.

- Information on processes and approval bodies is provided in Appendix B, pages B-22 through B-33.

As noted above, the Housing Element Sites Inventory does not rely on residential development or redevelopment in any commercial zoning districts. The County's mixed-use districts incorporated in the Sites Inventory allow 100% multifamily residential or multifamily residential with at most one ground-floor story of non-residential uses. The Rezoning Program does propose rezoning of some sites on which only non-residential development is currently allowed, but these are proposed to be rezoned to allow multifamily residential uses by right.

The PUD process is described in Appendix B, on page B-13.

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 design review process is described in Appendix B on pages B-22, and B-25 through B-31.

Inclusionary Housing: While the element generally states the County has an inclusionary ordinance, it must also describe and analyze the City's inclusionary housing requirements, including its impacts as potential constraints on the development of housing for all income levels. The analysis must evaluate the inclusionary policy's implementation framework, including levels of mandated affordability and the types of options and incentives offered to encourage and facilitate compliance with the inclusionary requirements. The County could engage the development community to facilitate this analysis.

- The elements of the County's Inclusionary Housing Program and their potential constraints on development are included on in Appendix B, on pages B-17 through B-20.

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

- The County's Density Bonus Ordinance has been updated multiple times in recent years to comply with changes to State law, and incorporates an overriding provision affirming that in cases of conflict with State law, the County will implement State provisions, updates to the Density Bonus Ordinance are included as Program HE 20.2.

Codes and Enforcement: The element must describe and analyze any local amendments to the building code and their degree and type of enforcement for impacts on housing supply and affordability.

- The County has adopted the latest State Building Code with no substantive modifications, as discussed in Appendix B, page B-17.

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

- The County's compliance with Government Code section 65940.1(a)(1) is discussed on pages B-34 and B-35.

Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. 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. In addition, 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 zones allowing residential with

objectivity to facilitate approval certainty.

- The Housing Element assesses constraints on housing for persons with disabilities in Appendix B, beginning on page B-46, and commits to updating zoning regulations and procedures in Program HE 22.12.

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

Approval Time and Requests Lesser Densities: The element must include analysis of requests to develop housing at densities below those identified in the sites inventory, 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 and include programs as appropriate.

- Approval times are discussed in Appendix B, page B-33 and B-34. Requests for lesser densities are discussed on page B-34.

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).)*

Special Needs Populations: While the element quantifies the County's special needs populations, it must also analyze the special housing needs for persons with disabilities and female headed households. For a complete analysis, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

- The needs of special needs populations are addressed in Appendix A, beginning with page A-42. Resources for special needs populations are addressed in Appendix C on page C-2 through C-14. Programs addressing special needs are included as HE 17.1, HE 22.1, HE 22.9, HE 22.12, and HE 31.1.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to*

implement the policies and achieve the goals and objectives of the Housing Element...
(Gov. Code,
§ 65583, subd. (c).)

To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the County'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:

- Many programs state actions will be "considered" without specific commitment to outcomes. The programs should be revised to include specific commitments to implement the actions within a specific timeframe.
- Program 1.1: The program should be revised to include how often the County will apply for funding.
- Program 1.3: The program should be revised to include specific actions and proactive outreach.
- Program 1.4: The program should be revised to include incentives the County will provide as well as whether they are currently in place or timing to implement the identified incentives.
- Program 6.1: The program should be revised to include specific timing and proactive outreach.
- Program 6.2: The program should include specific timing of how often the County will apply for funding.
- Program 6.4: The program should include timing on how often the County will reach out to landlords.
- Program 6.5: The program should be revised to include timing on how often the housing authority will engage with stakeholders as well as include implementing actions resulting from coordination.
- Program 8.1: The program should include actions to implement the results from the study of displacement impacts.
- Programs 9.1 and 9.2: The programs should be revised to include timing on how often the County will apply for funding.
- Program 10.2: The program should be revised to include implementation actions after study is complete.
- Program 11.2: The program should be revised to include commitment to implement actions following the study.
- Program 14.1: The program should be revised to include specific timing to implement the identified actions.
- Program 14.2: The program should be revised to include timing of how often the County apply for funding.
- Program 15.1: The program should include proactive outreach and actions the County will take to encourage the development.
- Program 15.2: The program should be revised to describe the constraints that will be addressed and include specific timing for implementation.
- Program 18.1: The program should be revised to include implementation after the study, as well as how often the county will apply for funds.

- Program 19.1: The program should clarify whether there are any County owned sites listed in the inventory. If so, the program must commit to complying with Surplus Lands Act and include specific timing for RFPs and implementation.
- Program 22.1: The program should state how often the County will collaborate and what actions will result. In addition, Action D includes discretion and should clarify what determines whether exemptions are approved.
- Program 22.2: The program should include actions of how the County will encourage and incentivize large units as well as include specific implementation timing.
- Program 22.4: The program should be revised to include specific timing to implement actions to assist farmworker housing.
- Program 23.2: The program should be revised to include implementing actions and specific timing.
- Program 23.6: The program should clarify whether the incentives are in place and list potential incentives. If they are not currently in place, the program should include specific actions to implement identified incentives as well as include proactive outreach.
- Program 25.1: The program should include commitment to implement the actions resulting from the study.
- Program 30.1: The program should be revised to include proactive outreach to developers on what incentives are provided. It should also include commitment to implement suggested revisions.
- Program 31.1: The program should specify what potential parking revisions will be, and include specific timing for implementation.
- Program 36.1: The program should include timing on how often education and outreach will occur.

- Amendments in response to the comments above have been made throughout the Housing Plan, beginning on page 26 of the Housing Element, including greater specificity, firmer commitments to implementation, more detailed timelines, firmer and more quantifiable goals and milestones, clearer descriptions of implementation responsibility, and more robust programmatic actions, indicated in redlines throughout.

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 County 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 describes a shortfall of sites and indicates rezoning will occur to accommodate the RHNA. While the element includes Programs 2.1, 11.1, and 11.3, it must specifically commit to acreage, allowable densities and anticipated units. In addition, if necessary, to accommodate the housing needs of lower-income households, the program should specifically commit to rezoning pursuant to Government Code section 65583.2, subdivisions (h) and (i).

- The updated Housing Element includes a comprehensively revised Sites Inventory and Rezoning Program, presented in Appendix E, to address the County's RHNA. The Rezoning Program describes specific acreage, proposed densities, and anticipated units on a site-by-site basis and in aggregate. All areas proposed for rezoning will allow multifamily housing by right at densities of at least 60 units/acre.

In addition, the Housing Plan, beginning with page 26, incorporates multiple programs to facilitate production of housing for farm laborers, mobile home housing, senior housing, supportive housing, housing for persons with disabilities, extremely low-income housing, emergency shelters, and other housing of diverse types serving various populations.

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

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

- The analysis of constraints is contained in Appendix B, and expanded programs to address constraints are included in the Housing Plan, beginning on page 26.

4. *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 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. In addition, the element should describe how the fair housing action plan is tied to the housing element programs and include implementation.

- As noted under B1 above, the expanded fair housing analysis is included in Appendix G, and new and expanded fair housing programs responsive to the analysis are included in the Fair Housing Plan, Appendix G-5, as well as in the Housing Plan.

D. Quantified Objectives

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

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

- Quantified objectives by income level are included in the Housing Element on page 83. Beyond at-risk properties, the assessment in the Housing Element did not identify any rehabilitation need.

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 general summary of the public participation process, it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element should be revised to discuss outreach to lower-income and special needs groups during the public participation efforts, solicitation efforts for survey responses, and participation in community workshops, and if translation services were provided.

- The Housing Element includes an expanded description of public participation and the County's efforts, completed and ongoing, to solicit comprehensive participation, in Appendix F.

F. Coastal Zone and Replacement Requirements

Coastal localities shall document the number of low- and moderate-income units converted or demolished, and the number of replacement units provided. (Gov. Code, § 65588, subd. (d).)

The element does not meet the statutory requirements. To determine whether the County's affordable housing stock in the coastal zone is being protected and provided as required by Government Code section 65588, the element must be revised to include the following:

1. The number of new housing units approved for construction within the coastal zone since January 1982.
2. The number of housing units for persons and families of low- and moderate-income required to be provided in new housing developments either within the coastal zone or within three miles.
3. The number of existing residential dwelling units occupied by low- and moderate-income households either within the coastal zone or three miles of the coastal zone that have been authorized to be demolished or converted since January 1982.
4. The number of residential dwelling units for low- and moderate-income households that have been required for replacement.

- This information is provided in Appendix A, on page A-42.

OTHER CHANGES

The following programs have been added to the draft Housing Element to better address the County's housing needs and goals.

HE 22.6, Farm Labor Housing Study and Strategy

HE 22.7, Preliminary Pescadero Community Plan Assessment

HE 22.8, Farm Labor Housing Sites Analysis and Regulatory Streamlining

HE 26.4, ADU Resource Center

HE 36.8, Submit an Equity Plan under HUD's new AFFH rule for the County of San Mateo

HE 39.4, Encourage Local Hiring