

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

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December 7, 2022

Nell Selander, Director
Economic and Community Development Department
City of South San Francisco
400 Grand Avenue
South San Francisco, CA 94080

Dear Nell Selander:

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

Thank you for submitting the City of South San Francisco's (City) draft housing element received for review on September 9, 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 December 5, 2022 with Tony Rozzi, Stephanie Skangos, Danielle Thoe, and consultant Sabina Mora. In addition, HCD considered comments from YIMBY Law and Greenbelt Alliance; David Kellogg, Campaign for Fair Housing Elements' and YIMBY Law; Housing Leadership Council of San Mateo County; and Kevin Burke 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 make prior identified sites available or accommodate the regional housing needs allocation shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) (1) and 65583.2, subdivision (c). 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 these rezones 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 meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the 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 commitment and cooperation of the housing element update team during the update and our review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Molivann Phlong, of our staff, at Molivann.Phlong@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF SOUTH SAN FRANCISCO

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).)

- ✓ As part of the review of programs in the past cycle, the element must provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers and persons experiencing homelessness).
Updated language added on P. 22. Red-lined Appendix 2.1 evaluates program effectiveness for special needs populations

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 but should specifically evaluate patterns of households by income, including comparing areas geographically throughout the City, coincidences with other components of the assessment of fair housing (e.g., disparities in access to opportunity and disproportionate housing need) and incorporating local data and knowledge and other relevant factors.

Redlined analysis beginning on P. 136 as well as Maps 1-17 Attachment

Disparities in Access to Opportunity: The element should describe availability and access to transportation mobility geographically within the City and impacts on the various components of the assessment of fair housing (e.g., race, disability, income, overpayment).

Redlined edits and map on P. 138-40

Disproportionate Housing Needs including Displacement: The element includes some general information on persons experiencing homelessness and housing conditions but should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For homelessness, the element should examine disproportionate

impacts on protected characteristics (e.g., race, disability) and patterns of need, including access to transportation and services. For housing conditions, the element should discuss any areas of potentially higher needs of rehabilitation and replacement. The element may utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis.

Redlined edits for Homelessness on P. 48 and 153 and for Housing Conditions P. 46 and 136

Contributing Factors: The element identifies many contributing factors to fair housing issues but must prioritize these factors to better formulate policies and programs and carry out meaningful actions to Affirmatively Furthering Fair Housing (AFFH).

Redlined edits on P. 164

- ✓ 2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

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).)

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).)

Extremely Low-Income Households (ELI): The element must quantify the number of existing ELI households by tenure and analyze their housing needs, including overpayment, overcrowding and other characteristics, resources and strategies and the magnitude of housing needs.

Redlined edits on P. 48

Overpayment: The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).

Redlined edits on P. 37

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) to better reflect market conditions.

Redlined edits on P. 45

Housing Stock Condition: While the element briefly mentions substandard housing based on ACS data, it should estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.

Redlined edits on P. 46-47

Special-Needs Populations: While the element identifies the number of persons experiencing homelessness Countywide, it should include an estimate and analysis of persons experiencing homelessness within the City utilizing the most recent Point in Time count.

Redlined edits on P. 153

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).)*

Red-lined edits throughout Chapter 5 and beginning on P. 75

✓ **Progress toward the Regional Housing Needs Allocation (RHNA):** As you know, the City’s RHNA may be reduced by the number of new units built since June 30, 2022, however, the element must demonstrate the affordability of units in the planning period based on actual sales price, rent level, or other mechanisms ensuring affordability (e.g., deed restrictions). This analysis should specifically address listed pipeline projects (Table 5-2) that are “under review”. The element must also discuss availability or likelihood the units will be built in the planning period and should account for any barriers to development, phasing, anticipated build out horizons, market conditions and other relevant factors to demonstrate their availability in the planning period.

✓ **Realistic Capacity:** While the element provides assumptions for the realistic residential capacity on identified sites in the inventory, it must also provide support for these assumptions. The element must clarify whether the number of units estimated for each site is 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. For example, the element could list recent and pending developments by zone, allowable densities, number of units and built density.

In addition, the element must account for the likelihood of residential development in zones that allow for 100 percent nonresidential development. For example, the element could discuss which zones allow 100 percent nonresidential development, evaluate all (residential and nonresidential) recent trends in the zones, discuss how often these developments include a residential component and account for that likelihood in the calculation of residential capacity. Lastly, the element heavily relies on sites where specific plans are not complete. The element must describe the timing of when the specific plans will be completed and clarify whether appropriate zoning is in place prior to implementing the specific plans. **Red-lined edits beginning on P. 77**

✓ **Small Sites:** Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the element describes other evidence to HCD that the site is suitable and appropriate to accommodate housing for lower-income households. (Gov. Code, § 65583.2, subd. (c)(2)(A).) The element lists small sites but must also evaluate whether the 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 relate those trends to the identified sites or could explain the potential for consolidation on a site-by-site basis.

Red-lined edits beginning on P. 78

✓ **Suitability of Nonvacant Sites:** The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element describes in general the existing use of each nonvacant site for example

“commercial” or “industrial”. This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, the element needs to also analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as warehouse, parking lot, civic, residential, and religious, but no analysis was provided to demonstrate whether these existing uses would impede development of these sites within the planning period. The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. The element could also consider indicators such as age and condition of the existing structure expressed developer interest, low improvement to land value ratio, and other factors.

Red-lined edits beginning on P. 78

✓ **Replacement Housing Requirements:** Absent a replacement housing program, sites with existing residential uses are not adequate sites to accommodate lower-income households. If utilizing sites with existing residential uses, the element must include a program or remove the sites. The replacement housing program must have the same requirements as set forth in Government Code section 65915, subdivision (c)(3).

Comment noted.

✓ **Previously Identified Nonvacant and Vacant Sites:** Nonvacant sites identified in the prior planning period or vacant sites identified in two or more consecutive planning periods shall not be deemed adequate to accommodate housing for lower-income households unless the site is available at appropriate densities and the element includes a program to make sites available by right in which at least 20 percent of the units are affordable to lower-income households. (Gov. Code, § 65583.2, subd. (c).) The element should denote any sites identified in prior planning periods and add or modify programs, if necessary.

No carryover nonvacant or vacant sites from RHNA Cycle 5 are included in Cycle 6.

✓ **Accessory Dwelling Units (ADU):** The element projects 336 ADUs over the planning period or approximately 47 ADUs per year over the eight-year planning period. These trends are inconsistent with HCD records (3 reported in 2018, 4 in 2019, 47 in 2020, and 41 in 2021) and do not support an assumption of 47 ADUs per year. To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year and reconcile trends with HCD records, including additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. Further, programs should commit to additional incentives and strategies, frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., six months) if number and affordability assumptions are not met.

Red-lined edits beginning on P. 79

✓ **Availability of Infrastructure:** The element must demonstrate sufficient existing or planned water, sewer, and other dry utilities supply capacity, including the availability and access to distribution facilities to accommodate the City’s regional housing need for the planning period.

Red-lined edits beginning on P. 80

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. The element should demonstrate compliance with these requirements 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 preclude development on identified sites in the planning period (e.g., airport compatibility and related land use controls, shape, contamination, easements, overlays).
Red-lined edits beginning on P. 80

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

Zoning for a Variety of Housing Types: **Red-lined edits to address each item below beginning on P. 108**

- ✓ • **Emergency Shelters:** The element should list and evaluate the development standards of the MI zone that allows emergency shelters and clarify whether emergency shelters are permitted without discretionary action. The element 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.
- ✓ • **Supportive Housing:** 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 supportive housing standards and codes and demonstrate consistency with Section 65583(c)(3) or add or revise programs to comply with the statutory requirements.
- ✓ • **Low Barrier Navigation Centers:** 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.
- ✓ • **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.

- ✓ • *Single Room Occupancy (SRO) Units*: The element must describe where SROs are allowed and how (development standards and permit procedures) or add a program as appropriate.
- ✓ • *Manufactured Housing*: The element must clarify whether manufactured homes on -a permanent foundation are treated similar to single-family uses pursuant to Government Code section 65852.3 or add a program if necessary.

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 in all zones that allow residential uses. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should address any impacts on cost, supply, housing choice, feasibility, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints. The analysis must specifically describe and analyze SB 330 requirements, maximum lot coverage in the RH-50 zone, height limits in the RM-22, DRM, and T3 zones, maximum floor area ratios in the ETC zone without utilizing a community benefit, the FAA height constraint in the T6 zone, and whether there are minimum unit sizes. In addition, the element should specify the notes in Table 4-2 development standards. Lastly, the element must describe and analyze parking requirements in all zones that allow residential uses.

Red-lined edits starting on P. 49 - P. 59

✓ 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. While the element lists total fees and the percentage of development cost, it must list and analyze planning fees including, but not limited to, conditional use permits (CUP), zone changes, general plan amendments, variances, site plans, specific plans, affordable housing in lieu fee, lot line adjustment, and other environmental fees. Based on the outcomes of the analysis, the element should include programs to address identified constraints.

Red-lined edits starting on P. 59 - P. 62

✓ 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, including any design review. 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. Finally, the element should discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate. Red-lined edits starting on P. 66

- ✓ Streamlining Provisions: The element should clarify whether the City has procedures consistent with streamlining procedures pursuant to Government Code section 65913.4 and include programs as appropriate. **Red-lined edits starting on P. 64 - P. 65**
 - ✓ Zoning Fees and Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards, fees, and inclusionary requirements for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1(a)(1). **Red-lined edits starting on P. 54 - P. 60**
 - ✓ On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width) and analyze their impact as potential constraints on housing supply and affordability. **Red-lined edits starting on P. 62**
 - ✓ Codes and Enforcement: The element must describe and analyze the degree and type of code enforcement for impacts on housing supply and affordability. **New sub section starting on P. 62**
 - ✓ Local Ordinances: While the element analyzes the City’s inclusionary housing ordinance, it must describe and analyze whether the City has a short-term rental ordinance or other ordinances and requirements that impact housing development. **Red-lined edits starting on P. 63 and reviews ADU and STVR regulations**
 - ✓ Constraints on Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation procedures. However, the element should also describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities. In addition, the element must describe and analyze how group homes for six or fewer and seven or more are allowed within the City and add programs as appropriate. For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. These housing types should not be excluded from residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or CUP could potentially subject housing for persons with disabilities to higher discretionary exceptions processes and standards where an applicant must, for example, demonstrate compatibility with the neighborhood, unlike other residential uses. **Red-lined edits starting on P. 69 and include a new program recommendation**
5. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D)).*
- ✓ While the element includes a list of at-risk properties within the next ten years, the table shows Magnolia Plaza Apartments at-risk of expiring in 2017 with a “low” risk level. The element must address whether this property was maintained as affordable and analyze the risk of affordability expiration. In addition, the element must include an analysis of preservation versus replacement costs, a list of qualified entities with capacity to preserve at-risk properties and identify funding sources to maintain affordability. **Red-lined edits starting on P. 31 and reference to preservation Program EQ-8.1**

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 have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, programs must have specific commitment to housing outcomes and discrete timing (e.g., at least annually or by January 2024). Examples of programs to be revised include: **Red-lined edits completed as suggested below.**

- ✓ • Program EQ-2.1 (Legal Counsel and Advocacy Assistance): The program should include proactive outreach regarding available services.
- ✓ • Program EQ-3.1 (Provide Renter Education and Assistance): The program should include proactive outreach to tenants.
- ✓ • Program EQ-3.2 (Conduct a Public Hearing to Consider Anti-displacement): The program should commit to a specific action or outcome to implement the program.
- ✓ • Program EQ-4.1 (Provide Resident Housing Rights Education): The program should include proactive outreach for the identified trainings.
- ✓ • Program EQ-6.1 (Increase Affordable Units): The program must include specific actions on how the City will increase units as well as proactive outreach.
- ✓ • Program EQ-6.2 (Incentivize Development): The program should specify whether incentives are in place or include timing for implementing the incentives.
- ✓ • Programs EQ-7.2 (Fund Home Repair for Low Income Residents), CRT-10.1 (Maintain and Update Preapproved ADUs), CRT-10.2 (Continue ADU Construction Management Program), CRT-11.1 (Connect Residents to Mortgage Assistance), PRSV-1.1 (Minor Home Repair), PRSV-1.3 (Provide Low Interest Loans for Housing Rehabilitation), PRSV-5.1 (Monitor At-Risk Units), PRSV-7.3 (Expand Maintenance and Abatement Assistance Programs): The programs should include proactive outreach.
- ✓ • Program EQ-8.2 (Provide Fair Housing Training): The program should be revised and commit to AFFH training for landlords regardless of implementing the rental registry.
- ✓ • Program CRT-4.1 (Site Acquisition for Affordable Housing): The program should describe how often the site acquisition will occur, what potential incentives will be offered, and include proactive outreach to developers.
- ✓ • Program CRT-4.3 (Allow Waivers or Deferrals of Fees for Affordable Housing Development): This program should describe the criteria for waivers and whether the process will be discretionary.
- ✓ • Programs CRT-9.2 (Preserve Naturally-Occurring Affordable Housing), CRT-12.1 (Encourage Resident Controlled Limited-Equity Housing), SNP-5.4 (Reduce or

Abolish Parking Requirements for Developmentally Disabled Populations), SNP-5.5 (Create ADU Rent Restriction Incentives): The programs must be revised to include specific timing for implementation.

- ✓ • Program CST-4.1 (Implement Adopted Objective Design Standards): The program must include actions and timing to implement the objective standards.
 - ✓ • Program SNP-1.3 (Facilitate Multigenerational Housing), and SNP-2.1 (Facilitate Housing for All Needs): The programs should be revised to include specific timing of implementation beyond “consider” and “encourage” housing.
 - ✓ • Program SNP-3.2 (Promote Disabled Housing Resources and Programs): The program must include timing and annual revisions.
 - ✓ • Program SNP-9.1 (Continue to Promote Home Sharing): The program should include proactive outreach as well as how often it will be publicized.
 - ✓ • Many programs identified under the climate section currently state “at some time during the planning period”. The programs should include specific timing for implementation.
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 CRT-7.1 (Coordinate with SSFUSD Regarding Housing on Closed School Sites) and CRT-7.2 (Allow Housing on Sites with Institutional Uses): The programs should clarify whether the school sites and institutional sites are also identified in the sites inventory. If the sites are needed to meet the RHNA, additional information on timing and likelihood of availability must be included.
Red-lined edits indicated no SSFUSD sites included in RHNA
- ✓ Program CRT-8.2 (Adopt Updated Zoning Ordinance as Companion to General Plan): The program must clarify whether the updated zoning ordinance that the City is relying on to meet the RHNA has been completed by the start of the planning period (January 31, 2023). For your information, if these sites are not rezoned prior to the beginning of the planning period and if rezoning is necessary to accommodate a shortfall of adequate sites in the planning period, sites must permit housing by-right pursuant to Government Code sections 65583, subdivision (c)(1) and 65583.2, subdivisions (h) and (i).
Red-lined edits indicate updated zoning completed in November 2022

- ✓ Program CRT-9.1 (Create Affordable Housing Overlay Zone): The program should describe concrete actions and include specific timing for implementation.
 - ✓ Program CST-3.1 (Ensure Zoning Consistency): After a cursory review of the City's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should revise this program to update the City's ADU ordinance to comply with state law as well as include specific timing for implementation. **City awaits separate letter indicating non-compliance as all current zoning has been reviewed and approved by HCD to date.**
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 Finding B4, the element requires a complete analysis of potential 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: **No new programs added.**
 - ✓ Program CRT-4.5 (Implement State Density Bonus Law): The program must commit to reviewing and amending the City's current density bonus ordinance for compliance with current state law and monitor compliance and update as necessary. (Gov. Code, § 65915.)
 - ✓ Program SNP-5.2 (Codify Flexibility into the Inclusionary Ordinance): The program should be revised to include specific implementation by removing "consider".
 - ✓ Program SNP-8.2 (Implement Permanent Supportive Housing): The program should clarify whether the actions are to implement AB 2162, by-right permanent supportive housing requirements as well as include specific timing for implementation.
 - ✓ Program CST-1.1 (Expedite Permit Review): The program must clarify how the City will expedite reviews by including specific implementation actions with timing.
 - ✓ Program CST-3.2 (Reduce Parking Requirements): The program must clarify what parking standards will be revised.
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 include a complete analysis of 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. Actions must have specific commitment, milestones, geographic targeting and metrics or numeric objectives and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

- ✓ In addition, Table 6-13 (pp. 132-135) list a fair housing action plan recommendations to address fair housing issues in the jurisdiction. This list of actions and timing should be integrated into the programs to incorporate measurable or numerical objectives to affirmatively further fair housing.

Table 6-13 is directly implemented as the Equity Programs beginning on P. 142

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 units that can be constructed, it must also include an estimate of housing units that can be rehabilitated and conserved over the planning period. Estimates updated in Table 7-2 on P. 179

✓ E. 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.

Updated language added on P. 3