

**HCD Comments & Response Matrix**  
*Response to HCD Letter Dated December 18, 2023*

\*\*\* Programs 2.04 through 2.34 are renumbered in the third revised submittal, due to the removal of five programs. \*\*\*

Topic	HCD Comments (Dec 2023) (+ August 2023 HCD Comments)	County Response / HCD Direction	Revisions Made
<b>A. (1) Housing Needs, Resources, and Constraints<sup>1</sup> - Patterns and Trends in the Unincorporated County</b>	The element was revised to discuss various fair housing issues at the County level but should also address patterns and trends at a local (patterns within a community) and regional (community compared to the region) level for the unincorporated County. The analysis should compare the unincorporated areas to the broader region and examine patterns and trends of socio-economic characteristics within the unincorporated areas. The analysis should address all components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity) and may aggregate geographic sub-areas of the County (e.g., southern, northern, western). For Racially/Ethnically Concentrated Areas of Poverty or Racially Concentrated Areas of Affluence (RCAA) in the unincorporated County, the element should include specific analysis of trends and characteristics and incorporate local data and knowledge and other relevant factors.	<u>County</u> proposed response to HCD feedback as follows. <ul style="list-style-type: none"> <li>Conduct further AFH analyses specifically for the unincorporated areas, using data from the Census Designated Places, grouping them by proximity where appropriate, analyzing them and comparing/contrasting patterns among them and to the county/cities/region overall.</li> </ul> <u>HCD</u> agreed with this approach and provided further direction to the County: <ul style="list-style-type: none"> <li>County might consider Alameda county's approach in determining when/where to include data from adjacent incorporated areas. County may need to adjust the maps/data and acknowledge such variables in the analysis. Small unincorporated islands with similar attributes might be grouped with one another, as appropriate.</li> <li>County should use the same general data already analyzed but focus on the unincorporated areas only and group together sub-areas, namely by proximity. In the absence of useful data in sparsely populated rural areas, it's acceptable to focus on the Census Designated Places.</li> </ul>	Per the direction provided by HCD, the County and its consultant team have developed a new section that supplements the primary AFH analysis and findings with a detailed analysis of Santa Clara County's unincorporated areas through the statistical lens of Census Designated Places (CDPs). Areas of the Unincorporated County outside of the CDPs are too sparsely populated to yield statistically significant data for purposes of the assessment of fair housing. By focusing on Santa Clara County's CDPs, this section identifies and analyzes local level patterns and trends specific to the Unincorporated County. This CDP-level analysis enables comparison of distinct areas and communities within the Unincorporated County to one another and to the broader AFH analysis and findings of the countywide AFH. The new section utilizes the same general data and framework that is analyzed at a countywide level but focuses on identifiable unincorporated communities through CDPs. Refer to AFH Section X.6: Supplemental Fair Housing Analysis – Census Designated Places. The County also provided additional context and characteristics of the one R/ECAP in the unincorporated County in section 2.03a: Segregation Analysis.
<b>(1) Housing Needs, Resources, and Constraints<sup>1</sup> – Contributing Factors to Fair Housing Issues</b>	The contributing factors listed in the element is specific to the County as a whole including incorporated areas. However, the element should assess and, particularly, prioritize contributing factors to fair housing issues that are specific to the unincorporated County.	<u>County</u> proposed response to HCD feedback as follows. <ul style="list-style-type: none"> <li>Assess contributing factors based on the more granular analysis of specific unincorporated areas and include place-based strategies to address such contributing factors.</li> </ul> <u>HCD</u> agreed with this approach and provided further direction to the County: <ul style="list-style-type: none"> <li>Need to identify 4-5 contributing factors, and prioritizing them by rank or tiers, in association with the unincorporated sub-areas. Need to link the sub-area analysis to the programs through the identified contributing factors.</li> </ul>	Per the direction provided by HCD, the County revised the Contributing Factors appendix to the AFH (Section X.5) to provide additional information specific to the Unincorporated County, following the CDP-level analysis in X.6, and including a prioritization of the contributing factors with associated County fair housing goals and strategies. In Section X.4, each of the County goals and strategies are detailed and summary tables further show the relationship of these goals to priority level, geographic scope, fair housing issues, contributing factors, metrics/milestones, timeframe, lead program participant, and relationship to the County's roadmap policy document: <i>Community Plan to End Homelessness</i> .
<b>A. (2) Housing Needs, Resources, and Constraints<sup>2</sup> –</b>	The element was not revised to address this finding. Please see HCD's prior review.  <i>Prior comment:</i>	<u>County</u> needed clarification on how to respond to this comment, understanding the breadth and diversity of unincorporated lands and the difficulty of conducting a windshield survey or speaking with local developers/experts.	Per the direction provided by HCD, the County revised <b>Section 2.04d Summary of Quantified Objectives</b> , to add additional information concerning the age of single-family residences, with local code enforcement perspective, remodel permits issued, and a forecast of

<sup>1</sup> 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).)

<sup>2</sup> 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).); 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).); 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).)

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<b>Housing Stock Conditions</b>	<p><i>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. Based on the outcomes of this analysis, the element should add or modify program to rehabilitate and conserve the existing housing stock.</i></p>	<p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Okay to use building age as a proxy, from Census or Assessor data, but additional local perspective is needed, i.e., building official, code enforcement team, etc. An approximation is all that is needed (percentage of total) to get a rough estimate of the magnitude and any patterns to disrepair or rehabilitation needs. Could feed into fair housing analysis if appropriate.</li> <li>• Capture all housing types, not just multi-family residences, and including affluent homes, for which it might be helpful to look at remodel/renovation permits issued to get a projection for need and what’s likely to occur during the cycle (i.e., quantified objectives). Distinguish housing typologies as appropriate, i.e., mobile homes.</li> </ul>	<p>rehabilitation numbers for the 6<sup>th</sup> cycle, including all income levels and housing types.</p> <p>The County also revised <b>Program 2.21 (Streamlined Rehabilitation and Replacement)</b>, to discuss rehabilitation of single-family residences.</p>
<b>A. (2) Housing Needs, Resources, and Constraints<sup>2</sup> – Extremely Low-Income (ELI) Households</b>	<p>While the element was revised to include data on households’ characteristics for ELI, it must also analyze characteristics of housing needs, disproportionate impacts relative to other income groups and evaluate the magnitude of housing needs given gaps in resources to address the housing needs.</p> <p><i>Prior comment:</i> <i>The element must analyze the existing housing needs of ELI households. This is particularly important given the unique and disproportionate needs of ELI households. For example, the element should analyze tenure, cost burden and other household characteristics then examine trends and the availability of resources to determine the magnitude of gaps in housing needs. To assist the analysis, see the enclosed data and sample analysis at <a href="https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs">https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs</a>.</i></p> <p><i>In addition, the element must identify the projected housing needs of ELI households. The projected housing need for ELI households can be calculated by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of the RHNA for very low-income households qualify as ELI households.</i></p>	<p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• See other comments regarding farmworker population and include additional analysis of disproportionate needs.</li> </ul>	<p>The County revised the AFH to include analysis of disproportionate needs in the new <b>Section X.6: Supplemental Fair Housing Analysis – Census Designated Places</b>. Of note are pages 43 – 87, which discuss special needs populations and disproportionate housing needs.</p>
<b>A. (2) Housing Needs, Resources, and Constraints<sup>2</sup> – Housing Costs</b>	<p>The element should provide estimates of housing costs in unincorporated areas of the region. For example, the County can supplement ACS data utilized with estimated on other data sources such as Zillow.</p> <p><i>Prior comment:</i> <i>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).</i></p>	<p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• ACS data is self-reported and often below actual, so Zillow is a good supplement to better reflect market conditions. Assessment can be county-wide or broken down by sub-area. Comparison to cities or region is not required.</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.02 Unincorporated County Housing Needs</b>, to add additional information concerning the cost of residential units and rents after reviewing ACS and Zillow data broken down by CDP within the unincorporated County.</p> <p>Refer to new <b>Section 2.02c Housing Costs</b> which describes home costs today and since 2000, rental costs since 2010.</p>

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<p><b>A. (2) Housing Needs, Resources, and Constraints<sup>2</sup> – Special Needs Population</b></p>	<p>The element was revised to include data and a general discussion for persons with disabilities and female headed households in the assessment of fair housing analysis; however, it must also discuss the challenges face by the population, existing resources to meet those needs, and an assessment of the gaps, including unincorporated areas, to determine the magnitude of gaps in housing needs.</p> <p>In addition, the element was not revised to include a complete analysis for farm workers. Please see HCD’s prior review.</p> <p><i>Prior comment:</i> 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. In addition, while the element notes the number of permanent and seasonal farmworkers, given the significant need in the County, it should specifically evaluate trends, characteristics, disproportionate needs, effectiveness of resources and strategies, magnitude of the housing need, including disproportionate housing need and the effectiveness of past policies, programs, and funding to help address those gaps. The analysis may utilize past farmworker housing studies and other studies generally applicable to their special housing needs. For example, the element could utilize a recent study conducted by University California at Merced that is available at <a href="https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fw_hs_report_2.2.2383.pdf">https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fw_hs_report_2.2.2383.pdf</a>. Based on the outcomes of the analysis, the element should add or modify programs to address this significant special housing need in the region.</p>	<p>HCD provided direction to the County:</p> <ul style="list-style-type: none"> <li>Revise Program 2.04 (Assess Farmworker Housing Needs and Collaborate with Other Jurisdictions) to avoid using non-committal language for objectives and make a clear commitment to pursue actions that will share best practices (annually) with other jurisdictions once the farmworker housing needs assessment is complete</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Program 2.04 (Assess Farmworker Housing Needs and Collaborate with Other Jurisdictions)</b>, to add a commitment to annual reassessment of new opportunities for facilitating the development of farmworker housing.</p> <p>Per the direction provided by HCD, the County and its consultant team have developed a new section that supplements the primary AFH analysis and findings with more detail of needs, resources, and constraints regarding housing in the unincorporated county, including special needs populations. Refer to AFH Section X.6: Supplemental Fair Housing Analysis – Census Designated Places, particularly pages 43 - 87.</p> <p>Additionally, the County provided more context for farmworker housing in the unincorporated County in Chapter 2 of the Housing Element, Section 2.06s: Regulations Influencing Housing for Agricultural Workers.</p>
<p><b>A. (3) Housing Needs, Resources, and Constraints<sup>3</sup> – Parcel Listing</b></p>	<p>While the element lists sites by parcel number or unique reference, parcel size, zoning, general plan designation, it must also list the anticipated affordability level, existing use, and realistic capacity on each parcel. Please see HCD’s prior review for additional information.</p> <p><i>Prior comment:</i> While the element lists sites by parcel number or unique reference; parcel size; zoning and general plan designation; it must also list the realistic capacity, existing use, and anticipated affordability level on each parcel. For realistic capacity, the element lists sites by a low and high potential</p>	<p>County needed clarification on how to respond to this comment.</p> <p>HCD provided direction to the County:</p> <ul style="list-style-type: none"> <li>Add existing use, anticipated affordability, and realistic capacity assumptions, specifically in the tables for each individual parcel, within analysis of development capacity (Chapter 2), not only in the electronic sites inventory.</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.04b Development Capacity Analysis – Stanford University Lands</b>, to update Table 2.8 and revised <b>Section 2.04c Development Capacity Analysis - Urban Unincorporated Areas</b> to update Table 2.9 as well as additional clarifying text edits. These updates include adding existing uses to each site’s Housing Capacity table in Chapter 2, including anticipated affordability. Columns were updated from “Low” potential unit count to “Realistic Capacity” and “high” potential unit count to “Maximum Capacity.”</p>

<sup>3</sup> 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).)

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	<p><i>residential capacity but should specifically list the realistic capacity based on analysis. This is particularly important for the purposes of implementing no net loss law pursuant to Government Code section 65863 and maintaining adequate sites to accommodate the RHNA by income group throughout the planning period. For existing uses, the parcel listing should describe existing uses sufficiently to facilitate an analysis that demonstrate the potential for redevelopment in the planning period.</i></p>		
<p><b>A. (3) Housing Needs, Resources, and Constraints<sup>3</sup>– Realistic Capacity</b></p>	<p>The element was generally not revised to address HCD’s prior review. The County must support its low and high potential density assumptions and clarify which assumption is being utilized to accommodate the regional housing need allocation (RHNA). For example, the element can identify existing, annexed, or approved residential projects that have developed at similar affordability within the County. In addition, the element must address the likelihood of residential development in zoning where 100 percent nonresidential uses are allowed. Please see HCD’s prior review for additional information.</p> <p><i>Prior comment:</i> <i>While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, 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.</i></p> <p><i>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. For example, the element could describe all development in these or comparable zones and how often development included a residential component then adjust realistic capacity assumptions as appropriate.</i></p>	<p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Explanation of the realistic capacity being used should be in the Chapter 2 development capacity analysis of sites – specifically, under “potential units” in the relevant tables, rename the column “realistic capacity” instead of “low” and rename “high” as “maximum.”</li> <li>• Clarify in the body of Section 2.04 that the realistic capacity is the same as the low-end projection for all inventory sites, which means no additional analysis of realistic capacity is necessary. Explain the prescribed unit counts in the revised Zoning Ordinance and that affordability in many cases correlates to the existing County Inclusionary Housing Ordinance and a presumed level of density. Also explain “maximum” in the absence of a specific limit to density.</li> <li>• Add parcel-specific affordability levels/units to the site tables in Chapter 2, using the unit requirements in the revised Zoning Ordinance and combine VLI and LI to just “lower income.”</li> <li>• Clarify at the beginning of 2.04 that the sites selected do not allow for 100% non-residential uses based on the requirements of the revised Zoning Ordinance, for example, “all non-residential zones require a residential component...”</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.04b Development Capacity Analysis – Stanford University Lands</b>, to update Table 2.8 and revised <b>Section 2.04c Development Capacity Analysis - Urban Unincorporated Areas</b> to update Table 2.9 as well as additional clarifying text edits. These updates include renaming “Low” potential unit count to “Realistic Capacity” and “high” potential unit count to “Maximum Capacity” and added anticipated affordability in each site’s Housing Capacity table in Chapter 2. The tables were also updated to combine VLI and LI to “Lower Income” units in each site’s Housing Capacity table in Chapter 2.</p> <p>Furthermore, the County revised <b>Section 2.04a Overview</b> to include clarification that the selected sites do not allow 100% non-residential uses based on the requirements of the revised zoning ordinance, that the realistic capacity is the same as the low-end projection for all inventory sites, that the prescribed unit counts and affordability levels in many cases correlate to the County’s Inclusionary Housing Ordinance and presumed level of density, and that while the amended zoning ordinance does not place a maximum density on the selected parcels, the “Maximum Capacity” is based on analysis provided in the EIR as the highest anticipated capacity.</p>
<p><b>A. (3) Housing Needs, Resources, and Constraints<sup>3</sup>– Small and Large Sites</b></p>	<p>While the element was revised to include a general statement on the history of development in nearby unincorporated areas of San Jose on sites less than half an acre, it must also relate past experiences to the sites in the West San Carlos Urban Village Plan Area and discuss the potential for small lot consolidation. For example, the County should include analysis that supports the suitability of these sites based on past trends, including experience and potential for consolidation related to the sites identified in</p>	<p><u>County</u> explained that the “small” parcels in the sites inventory are no longer needed for VLI/LI and that the realistic capacity for these sites no longer includes lower income units. Additionally, the development of the “large” sites is expected to be primarily County-led, apart from Pleasant Hills, which is already pursuing entitlements with the City of San José.</p> <p><u>HCD</u> provided direction to the County:</p>	<p>Per the direction provided by HCD, the County revised <b>Section 2.04b Development Capacity Analysis – Stanford University Lands</b>, to update Table 2.8 and revised <b>Section 2.04c Development Capacity Analysis - Urban Unincorporated Areas</b> to update Table 2.9 to show that in each site’s Housing Capacity table in Chapter 2 that no VLI/LI units are assigned to “small sites.”</p>

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	<p>the inventory to meet the lower-income RHNA and add or modify programs as appropriate. Alternatively, the element could utilize sites less than half an acre toward the moderate and above-moderate income RHNA instead of the lower-income RHNA and no further analysis is necessary. Please see prior HCD reviews for additional information.</p> <p>In addition, the element was revised to include Program 2.25 (Incentivize Lot Consolidation) to research and consider amendments. However, the element should include specific commitments that go beyond researching and considering amendments. This is important since the Parkmoor neighborhood generally consists of sites less than half an acre. For example, the County can include additional incentives such as streamlining the process for projects that include affordable housing units, reduced impact fees, increased densities and other incentives, annual collaboration with property owners to facilitate lot consolidation.</p> <p><i>Prior comment:</i> <i>Sites larger than ten acres in size or smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. The element should sufficiently analyze and describe the criteria utilized to deem small and large sites appropriate to accommodate the lower-income RHNA.</i></p> <p><i>Additionally, the element should relate that analysis to the actual inventory to facilitate a complete analysis. For example, the analysis could describe the County’s role or track record in facilitating small-lot consolidation and how that experience relates to the sites identified in the inventory to meet the lower income needs, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for lot consolidation, or information from the owners of each aggregated site. Based on the outcomes of this analysis, the element should add or modify programs to facilitate affordable development on small or large sites, as appropriate.</i></p>	<ul style="list-style-type: none"> <li>• There is no additional analysis needed for small sites if VLI/LI units are not assigned.</li> <li>• For the larger sites that are County partnerships, specify in Program 1.07 that the County is taking a targeted approach to affordability on these sites. Add to the schedule of actions that the County will facilitate the issuing of entitlements and permits to the extent necessary.</li> <li>• For small properties adjacent/contiguous to larger County partnership sites, clarify the presumption that there will be joint development of the properties and explain the reasoning for why they are likely to be consolidated.</li> <li>• Clarify what will happen in schedule of actions if these projects do not come to fruition and how the County will evaluate process during course of cycle. This could include a new program for mid-cycle review with a menu of possible backup actions to consider in order to meet RHNA obligations.</li> <li>• For Pleasant Hills, clarify in the site analysis that the level of affordability is expected to be no less than 16%, pursuant to the County inclusionary housing ordinance. If annexed by the City of San José, affordability could be 1% lower (15%) pursuant to the City policy, which should be included in the discussion, possibly as a footnote.</li> <li>• Program 2.25 (Incentivize Lot Consolidation) – revise to avoid using non-committal language for program objectives and make a clear commitment to pursue actions that will incentivize the consolidation of lots smaller than a half-acre in size.</li> </ul>	<p>Per the direction provided by HCD, the County revised the sites analysis for Fruitdale/ Santa Clara Valley Medical Center and Hostetter Station sites to include a step-by-step process and schedule to develop affordable units on these sites.</p> <p>As confirmed by HCD, since there are no “small” sites (sites less than a half-acre) adjacent/contiguous to larger County partnership sites selected in the housing inventory. Therefore, no explanation needed regarding the presumption of joint development.</p> <p>Per the direction provided by HCD, the County revised <b>Section 2.04c</b> to include a subsection on the Housing Development Mid-Cycle Review, including how the County will assess the likelihood of development on the selected sites and what the County will do if they do not get developed. The County added a new program, <b>Program 2.26 (Mid-Cycle Review)</b>, with menu of actions to consider in order to meet RHNA obligations.</p> <p>Per the direction provided by HCD, the County provided clarification to the Pleasant Hills section that affordable units on the site are required to be no less than 16% of the total housing development, pursuant to the County’s Inclusionary Housing Ordinance. The County added footnote 16 explaining that if the properties are annexed into the City, their affordability requirement would be 15% (1% less) per San José’s Inclusionary Housing requirements. The County also added more information from the developer regarding their plans for phased development and significant parcelization of the lots.</p> <p>Per the direction provided by HCD, the County revised <b>Section 2.04c Development Capacity Analysis – Urban Areas</b> to note that smaller lots are not anticipated to support VLI or LI housing and are not counted towards the County’s RHNA projections.</p> <p>Per the direction provided by HCD, the County revised <b>Program 2.25 (Incentivize Lot Consolidation)</b> to clarify the County’s commitment to consolidate lots smaller than a half-acre, as well as to consider incentives for lot consolidation.</p>
<p><b>A. (3) Housing Needs, Resources, and Constraints<sup>3</sup>– Zoning for Lower-Income Households</b></p>	<p>As found in HCD prior review, sites must demonstrate densities appropriate to accommodate housing for lower-income households. The County must demonstrate appropriate zoning for lower-income households on consolidated Site O. The analysis should be based on factors such as market demand, financial feasibility, and development experience within identified zones. Alternatively, the element could utilize the site toward the moderate income RHNA or rezone the site to appropriate densities.</p> <p><i>Prior comment:</i></p>	<p><u>County</u> asked about the significance of site O and how to show that it meets the density requirements with the revised Zoning Ordinance, which requires a minimum number of affordable units rather than a minimum density.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Minimum density is required for Site O. County can demonstrate compliance by illustrating the likelihood of exceeding the minimum</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.04b Development Capacity Analysis – Stanford University Lands</b>, to clarify that the base density increased from 15 to 30 units per acre, as a result of the recently adopted SCP update. The forty-acre size of the Escondido Village site is intended to represent the total area where development of the planned 700-900 units may occur, however, the eventual project will likely represent a higher density than the minimum of 30 units per acre.</p>

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	<p><i>The element must demonstrate densities appropriate to accommodate housing for lower-income households. For communities with densities that meet specific standards (at least 30 units per acre), no analysis is required. (Gov. Code, § 65583.2, subd. (c)(3).) Otherwise, an analysis must demonstrate appropriate densities based on factors such as market demand, financial feasibility, and development experience within identified zones.</i></p>	<p>density, for example by providing the historic/actual density realized on Stanford campus.</p> <ul style="list-style-type: none"> <li>In the absence of minimum/maximum density, describe the “product types” allowed and feasibility of the net density exceeding 30 units per acre.</li> </ul>	
<p><b>A. (3) Housing Needs, Resources, and Constraints<sup>3</sup>– Suitability of Nonvacant Sites</b></p>	<p>The element was revised to include some additional information on nonvacant sites; however, it generally was not revised to address HCDs prior review. Please see HCDs prior review for additional information.</p> <p>In addition, for your information, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households 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.</p> <p><i>Prior comment:</i> <i>The element must include an analysis demonstrating the potential for additional development on nonvacant sites. The element generally provides a description of the properties like location and whether the property owner submitted an interest form but does not describe the results of the form or why the property might redevelop in the planning period. To address this requirement, the element should address the extent to which existing uses may constitute an impediment to additional residential development; the County’s past experience with assisting San Jose annexations and similar sites with converting existing uses to higher density residential development; the current market demand for the existing use; an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development; development trends; market conditions, and regulatory or other incentives or standards to encourage additional residential development on these on Parkmoor/Burbank Neighborhood, Cambrian Park Neighborhood, and Pleasant Hills sites.</i></p> <p><i>To provide sufficient capacity for the RHNA during the planning period and as part of identifying sites with potential for development, the element should consider public comments received regarding the inclusion of sites</i></p>	<p><u>County</u> clarified that many of the nonvacant sites did not have projections or allocations for VLI/LI units in the most recent submittal. Those sites that are nonvacant and have VLI/LI are primarily County partnerships and in one case on Stanford campus, where Stanford has indicated intent to redevelop older multifamily housing into higher density multifamily housing. County asked what specifically is needed to meet this finding.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>County needs to generally show potential for redevelopment of all nonvacant sites, including those without an allocation of VLI/LI units, and that existing use will not be a barrier to future development. Okay to analyze clusters of similar/proximate sites within the inventory. Each cluster of sites should include discussion of existing use, trends, and regulatory framework.</li> <li>No need to further analyze County partnership sites, except for any known barriers and to include process of implementation.</li> <li>In describing current use, note where existing use may underutilize the site, i.e., older building stock, parking lots, low-density commercial/industrial, etc.</li> <li>Could use market conditions and trends, including data outside of unincorporated areas, to support the case for redevelopment, as well as the regulatory framework, surrounding densities, etc. Should note the high potential for redevelopment under the revised Zoning Ordinance, i.e., generous height limit and bulk potential, despite no density specifications. Should acknowledge potential for annexation.</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.04b Development Capacity Analysis – Stanford University Lands</b>, and revised <b>Section 2.04c Development Capacity Analysis – Urban Unincorporated Areas</b> to include an Existing Uses, Trends, and Regulatory Framework section for each housing site profile. Each section discusses the current use on the non-vacant site (if applicable), trends in the neighborhood, any barriers, and existing regulations applicable to the development of those sites. A discussion of local development trends concerning nonvacant sites has been added to <b>Section 2.04a Overview</b>, and <b>Section 2.04c Development Capacity Analysis – Urban Areas</b> was revised to note that smaller lots are not anticipated to support VLI or LI housing and are not counted towards the County’s RHNA projections.</p>

<sup>3</sup> 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).)

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	<p><i>from property owners written interest in residential development in the planning period.</i></p> <p><i>For your information, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households 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.</i></p>		
<p><b>A. (3) Housing Needs, Resources, and Constraints<sup>3</sup>– Pleasant Hills Golf Course</b></p>	<p>The County should include analysis that supports the adequacy of sites larger than ten acres suitable for lower-income households. For example, the analysis could address how large sites could be parceled to facilitate sites that can accommodate a typical state or federally funded development of 50 to 150 units. The analysis could also describe how parcels could be subdivided or built in phases or how the assumptions for the lower-income RHNA have been scaled to only assume a portion of the site for lower-income households.</p> <p><i>Prior comment:</i> <i>The housing element relies on the potential redevelopment of the Pleasant Hills Golf Course (Golf Course) to accommodate the lower-income housing for 855 units. The two parcels identified include a 70.5-acre parcel and a 43.5 -acre parcel. The element must demonstrate the potential for this site to accommodate residential development within the planning period. For example, the element should describe if the use as a golf course discontinuing within the planning period; interest in development of this site; any required rezones or specific plans required prior to development, and any programs to facilitate the development of the Golf Course. In addition, as you are aware, Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A)). In particular, the element could describe plans to subdivide or parcel the 70.5-acre site to support residential development affordable to lower-income households.</i></p>	<p><u>County</u> noted that this site is already pursuing entitlements with the City of San José and will presumably be annexed; sought clarification on how to further respond to this comment.</p> <p><u>HCD</u> noted that it would be sufficient to note the current stage of the project and address the prior feedback on large sites:</p> <ul style="list-style-type: none"> <li>For Pleasant Hills, clarify in the site analysis that the level of affordability is expected to be no less than 16%, pursuant to the County inclusionary housing ordinance. If annexed by the City of San José, affordability could be 1% lower (15%) pursuant to the City policy, which should be included in the discussion, possibly as a footnote.</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.04c Development Capacity Analysis – Urban Unincorporated Areas</b> to provide clarification to the Pleasant Hills section that affordable units on the site are required to be no less than 16% of the total housing development, pursuant to the County’s Inclusionary Housing Ordinance. The County added footnote 16 explaining that if the properties are annexed into the City, their affordability requirement would be 15% (1% less) per San José’s Inclusionary Housing requirements. The County also added more information from the developer regarding their plans for phased development and significant parcelization of the lots.</p>
<p><b>A. (3) Housing Needs, Resources, and Constraints<sup>3</sup>–</b></p>	<p>The element was revised to discuss current existing uses on the three Stanford Sites; however, these revisions generally do not address this finding. As found in HCD prior review, the element must discuss permit and procedures for entitlements, including any known barriers to development</p>	<p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> provided direction to the County:</p>	<p>Per the direction provided by HCD, the County revised <b>Section 2.04b Development Capacity Analysis – Stanford University Lands</b> to include additional details concerning the steps for housing development on the Stanford sites, identify any phasing or timing requirements impacting</p>

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<b><u>Stanford Specific Plan</u></b>	<p>in the planning period. Please see HCD’s prior review for additional information.</p> <p><i>Prior comment:</i> The element relies upon the Stanford Specific Plan area to accommodate the County’s regional housing need for all income groups. While the housing element indicates the Specific Plans’ residential capacity and estimates the number of units by income group, it should demonstrate the suitability for development in the planning period. To utilize residential capacity in the specific plan, the element must:</p> <ul style="list-style-type: none"> <li>• Describe necessary approvals or steps for entitlements for new development (e.g., design review, site plan review, etc.), including any known barriers to development in the planning period; and</li> <li>• Analyze any requirements such as phasing or timing requirements that impact development in the planning period and large sites, if applicable, with policies and programs</li> </ul>	<ul style="list-style-type: none"> <li>• Describe approval steps for housing development on the three Stanford sites, and any known barriers or potential roadblocks to construction within the next 8 years. Preface discussion of process and barriers with: “Based on the available information today...”</li> <li>• Acknowledge revised Zoning Ordinance and what the permitting process would require in terms of steps to construction. Acknowledge that 100% non-residential is not an option and that the prescribed VLI/LI units must be constructed as part of any development.</li> </ul>	<p>development, and clarify that these sites are subject to Zoning Ordinance regulations that do not allow for 100% non-residential development. Additional discussion was provided regarding the Escondido Village site’s capacity to support affordable units, and the presumed density of development on the site, despite encompassing an area greater than 10 acres.</p>
<b><u>A. (3) Housing Needs, Resources, and Constraints<sup>3</sup>– Infrastructure</u></b>	<p>The element was not revised to address this finding. Please see HCD’s prior review.</p> <p><i>Prior comment:</i> 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.</p> <p>For your information, the County is 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. For additional information and sample cover memo, see the Building Blocks at <a href="https://www.hcd.ca.gov/planning-and-communitydevelopment/housing-elements/building-blocks/priority-water-and-sewer">https://www.hcd.ca.gov/planning-and-communitydevelopment/housing-elements/building-blocks/priority-water-and-sewer</a></p>	<p><u>County</u> noted that the sites inventory parcels all have access to municipal water and sewer, but that none of those services are provided directly by the county and sought clarification on what additional information might be needed.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• The goal is to identify the services needed for the planned residential capacity and whether they can be accommodated by the existing utilities.</li> <li>• Could highlight that the County is not relying on any rural sites for RHNA, which is where infrastructure challenges exist. Reiterate in section on rural challenges that these are not relevant to the parcels listed in the sites inventory</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.06x Summary of Rural Unincorporated Area Constraints</b> to clarify that no rural sites were selected to meet the County’s RHNA, where infrastructure challenges exist, and that the Housing Element Update EIR provides additional information regarding utility services planned for the selected housing sites.</p>
<b><u>A. (3) Housing Needs, Resources, and Constraints<sup>3</sup>– Electronic Sites Inventory</u></b>	<p>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 <a href="https://www.hcd.ca.gov/planning-and-community-development/housing-elements">https://www.hcd.ca.gov/planning-and-community-development/housing-elements</a> for a copy of the form and instructions. The County can reach out to HCD at <a href="mailto:sitesinventory@hcd.ca.gov">sitesinventory@hcd.ca.gov</a> for technical assistance.</p> <p><i>Prior comment:</i></p>	<p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> noted that this is a standard comment that the County will need to resubmit the electronic sites inventory to the extent that there are any changes.</p>	<p>Per the direction provided by HCD, the County will resubmit the electronic sites inventory to the extent that there are any changes.</p>



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	<p><i>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 <a href="https://www.hcd.ca.gov/communitydevelopment/housing-element/index.shtml#element">https://www.hcd.ca.gov/communitydevelopment/housing-element/index.shtml#element</a> for a copy of the form and instructions. The County can reach out to HCD at <a href="mailto:sitesinventory@hcd.ca.gov">sitesinventory@hcd.ca.gov</a> for technical assistance.</i></p>		
<p><b>A. (4) Housing Needs, Resources, and Constraints<sup>4</sup>– Land Use Controls</b></p>	<p>The element was revised to acknowledge parking requirements and development standards as potential constraints and added Program 2.02 (Planning for Housing Development in Unincorporated USAs and Stanford University Lands) to modify development standards for sites listed in the inventory. However, this generally does not address this finding. The element must list identify and analyze all land use controls independently and cumulatively. The analysis and program should not be limited to accommodating the RHNA. Please see HCD's prior review for additional information.</p> <p><i>Prior comment:</i> <i>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 for multifamily smaller bedroom types (e.g., studio and one bedroom), two family and caretakers' residence, open space requirements and minimum lot sizes. 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. In addition, the element should list the typical densities allowed in each zone.</i></p> <p><i>In addition, while the element notes the County refers to State Density Bonus Law (SDBL), it should also describe how the County complies with SDBL through its ordinance. Specifically, while the County may refer to SDBL, its ordinance should have at least implementing provisions such as application requirements, eligibility criteria and decision making and processing criteria. Based on the outcomes of this analysis, the element should add or modify programs.</i></p>	<p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• In the "Specified Development Standards" section, explain that 1.5 parking spaces is required uniformly across all multi-family unit types and that no additional guest parking is required. Acknowledge that there is currently no distinction in the County Zoning Ordinance applied to studios as compared to other multi-family units, which may impact the development of studios. HCD suggested adding language to Program 2.22 (Objective Standards for Multi-Family Housing) to create a "sliding scale" of parking requirements for different types of units within a multi-family development.</li> <li>• There is no need to make revisions relating to minimum lot sizes or to parking for two-family and caretaker's residences.</li> <li>• Regarding open space requirements, the County should acknowledge that there are no such requirements for multi-family projects and that the only limitations to building bulk are height limits and minimum setbacks.</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.06f Specified Development Standards</b> to include a discussion of open space requirements and a more detailed discussion of parking standards.</p> <p>Per the direction provided by HCD, the County revised <b>Program 2.22 (Objective Standards for Multi-Family Housing)</b> to include language committing to a review of parking standards.</p> <p>Per the direction provided by HCD, the County revised <b>Program 2.02 (Planning for Housing Development in Unincorporated USAs and Stanford University Lands)</b> to describe the permitting process and to elaborate on the process to re-evaluate should Stanford not apply for development in line with sixth cycle projections.</p>

<sup>4</sup> 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).)

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<p><b>A. (4) Housing Needs, Resources, and Constraints<sup>4</sup>– <u>Constraints on Housing for Persons with Disabilities</u></b></p>	<p>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, as follows:</p> <ul style="list-style-type: none"> <li>• <i>Family definition:</i> The element was revised to provide a general statement that the county’s current definition of family does not impose as a constraint; however, no definition was provided. The County must identify the definition and evaluate its potential impacts on housing for persons with disabilities. Following a complete analysis, the County may to add or modify programs as appropriate.</li> <li>• <i>Reasonable Accommodation:</i> The element was not revised to address this finding. Specifically, the element must evaluate approval findings or the lack of appropriate approval findings as potential constraints for individuals seeking reasonable accommodations. Following a complete analysis, the element should add or modify programs as appropriate.</li> <li>• <i>Group Homes for Seven or More Persons:</i> The element now states community care facilities are allowed in all zoning districts except Open Space and Fields research zones and have not been denied; however, this generally does not address HCD prior review. Specifically, the County must discuss the approval findings and approval body for the Conditional Use Permit (CUP) process. Following a complete analysis, the County may need to add or revise programs with specific commitments to amend zoning and permit procedures to allow these uses in all zones allowing residential with objectivity to facilitate approval certainty similar to other residential uses of the same type in the same zone.</li> </ul> <p><i>Prior comment:</i> 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, as follows:</p> <ul style="list-style-type: none"> <li>• <i>Family Definition:</i> 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.</li> <li>• <i>Reasonable Accommodation:</i> The element lists some decision-making criteria and appears to place the burden on applicants to demonstrate the request necessitates deviations and cannot be achieved through other means. However, the intent of a procedure is to proactively promote housing more inclusive to persons with disabilities. The element should closely evaluate these decision-</li> </ul>	<p><b><u>Family Definition.</u></b></p> <p><u>County</u> proposes the following edits to Section 2.06r to clarify this topic:</p> <ul style="list-style-type: none"> <li>• The County Zoning Ordinance <del>does</del> includes <u>a the following general definition of “family” which explicitly includes “necessary domestic help” to accommodate those with disabilities: “Family: One or more persons occupying a premises and living as a single, nonprofit household, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary domestic help”.</u> <del>However, While this definition is included in the County’s Zoning Ordinance, the County does not define “family” for the purposes of housing, therefore under the definition there is no requirement for a relationship between residents within a residential unit, be it a single-family residence, multi-family housing development, or “group home” and necessary domestic help is included in the definition, therefore this definition is not a constraint on housing for persons with disabilities. For clarification, the reference to “nonprofit households” does not address the type of legal entity occupying the household but rather clarifies that the group of individuals occupying the home is not doing so for a profit-seeking purpose.</del></li> </ul> <p><u>HCD</u> provided additional direction to:</p> <ul style="list-style-type: none"> <li>• Make a clear statement about how the existing definition of “family” is used and what “nonprofit household” means in this context.</li> </ul> <hr/> <p><b><u>Reasonable Accommodations.</u></b></p> <p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Delineate the required findings to grant an accommodation and how the County applies such findings. They should be objective, and not create an undue constraint. It should be a process unique to this type of request.</li> <li>• The County’s third and fourth standards/findings are considered restrictive and potentially pose a constraint. A new program to address this is needed and should remove or replace subjective language and reflect the three criteria below.</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.06r Regulations Influencing Housing for Persons with Disabilities</b> to expand on the definition of family and how it is not a constraint to persons with disabilities, define the term “nonprofit household,” and acknowledge that the current Reasonable Accommodation process may pose constraints.</p> <p>Per the direction provided by HCD, the County created new <b>Program 2.28 (Reasonable Accommodation Policy)</b> to review and update the Reasonable Accommodation process.</p> <p>Per the direction provided by HCD, the County revised <b>Program 2.20 (Tracking and Ongoing Compliance with State Housing Laws)</b> to state that the County will update its Zoning Ordinance to ensure that Group Homes of 7 or more are treated the same as any other similar residential use.</p>

<sup>4</sup> 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).)

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	<p><i>making criteria and their application and add or modify programs as appropriate.</i></p> <ul style="list-style-type: none"> <li><i>Group Homes for Seven or More Persons: 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 similar to other residential uses of the same type in the same zone. For more information on group homes, please see HCD’s Group Home Technical Advisory at <a href="https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-%20%20technical-advisory-2022.pdf">https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-%20%20technical-advisory-2022.pdf</a></i></li> </ul>	<ul style="list-style-type: none"> <li>Generally, there are 3 criteria/questions: is it for a person with a disability; does not fundamentally alter or invert the zoning and land use; and is there a financial/administrative burden.</li> </ul> <hr/> <p><b>Group Homes for Seven or More Persons.</b></p> <p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>Group homes should be treated as any other residential use, allowed in residential zones, and should not limit who lives there.</li> <li>County needs to describe process and where/how they are allowed.</li> <li>If a new program is needed, the County can utilize this language: <i>“to amend zoning and permit procedures to allow these uses in all zones allowing residential with objectivity to facilitate approval certainty similar to other residential uses of the same type in the same zone”</i></li> </ul>	
<p><b>A. (5) Housing Needs, Resources, and Constraints – Approval Time and Requests Lesser Densities<sup>5</sup></b></p>	<p>While the element includes a general discussion of approval times, it must still identify the actual length of time between receiving approval for housing development and submittal of application for building permits (rather than length of time to process a building permit).</p> <p><i>Prior comment:</i> <i>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.</i></p>	<p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>Show the length of time between land use approvals and when building permits are submitted. Could be market conditions or other factors unrelated to local requirements.</li> <li>Take a qualitative approach and discuss that there have been few if any multi-family projects in recent history, and therefore the length of time is unknown for such projects, while single-family timelines vary significantly and can be quite long, given a number of hypothetical circumstances, typically related to development site constraints. Nonetheless, provide a range of timeline for submittal, based on a presumption of favorable/optimal site conditions. If the timeline is over 8-12 months, clarify whether delayed submittals may relate to anything within the County’s purview, for example seasonal restrictions or discretionary permits.</li> </ul>	<p>Per the direction provided by HCD, the County revised <b>Section 2.06p Permit Process and Procedures</b> to include additional information about the length of time between land use entitlement approval and building permit applications, as well as constraints faced by applicants.</p>

<sup>5</sup> An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ..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).)

Topic	HCD Comments (Dec 2023) (+ August 2023 HCD Comments)	County Response / HCD Direction	Revisions Made
<b>B. (1) Housing Programs<sup>6</sup></b>	<p>Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should also have discrete timelines and occur early in the planning period to ensure actual housing outcomes. To address this requirement, programs must be revised to include specific commitments and definitive timeline as follows:</p> <ul style="list-style-type: none"> <li>• <i>Program 1.24 (Community Plan to End Homelessness):</i> The element should provide a schedule of actions for when and how the plans discussed will be implemented.</li> <li>• <i>Program 1.29 (Farmworker Affordable Homeownership):</i> The element should reconcile identified timelines listed in the objectives. In addition, the County should include additional actions with specific commitments to promote farmworker affordable home ownership programs.</li> <li>• <i>Program 2.07 (Housing Adjacent to Transit):</i> The Program was revised to include annual coordination with the VTA site; however, the County should go beyond its outreach efforts. For example, while the County now commits to annual outreach with the VTA, it should also list schedule of actions the County will commit to help facilitate development to the VTA Site.</li> </ul> <p><i>Prior comment:</i> To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, program must have discrete timing (e.g., annually) and specific commitment, as follows:</p> <ul style="list-style-type: none"> <li>• <i>Program 1.24 (Community Plan to End Homelessness):</i> The Program should go beyond describing the plan and annually reporting and commit to how and when the plan will be implemented throughout the planning period.</li> <li>• <i>Program 1.29 (Farmworker Affordable Homeownership):</i> The Program should commit to how often the Program will be implemented throughout the planning period.</li> <li>• <i>Program 2.07 (Housing Adjacent to Transit):</i> The Program should include discrete timing (e.g., at least annually) and commit to how the County will support development near transit.</li> </ul>	<p><u>County</u> explained that Program 1.24 is intended as a roadmap for many of the other programs in the Housing Element, and therefore the objectives and schedule of actions should be considered alongside and in conjunction with those of the other programs that follow from this roadmap.</p> <p><u>HCD</u> understood and directed the County to clearly reiterate that Program 1.24 is intended as an initial step that leads to other programs for implementation, which can be listed out in Program 1.24.</p>	<p>Per the direction provided by HCD, the County revised <b>Programs 1.24 Community Plan to End Homelessness, 1.29 Farmworker Affordable Homeownership and Farmworker Housing Pilot Program, and 2.07 Housing Adjacent to Transit</b>, including new language in Program 1.24 clarifying that the program is an initial roadmap and other related programs will build on the plan.</p>

<sup>6</sup> 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).)

Topic	HCD Comments (Dec 2023) (+ August 2023 HCD Comments)	County Response / HCD Direction	Revisions Made
<p><b>B. (2) Housing Programs<sup>7</sup></b></p>	<p>As noted in Finding A3, 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 should be revised as follows:</p> <ul style="list-style-type: none"> <li>• <i>Program 2.01</i> (Housing Suitability and Prioritization Tool for County-Owned Properties): This Program was not revised to address this finding. Please see HCD’s prior review.</li> <li>• <i>Annexation: Program 4.03</i> (Coordinated Annexation and RHNA Transfer) should be revised to include a list of actions the County will pursue and complete to facilitate annexation of sites identified in inventory. For example, the County can include actions to collaborate with local governments and developers; assist with funding; facilitate all entitlements as necessary and alternative actions if annexations do not occur by a specified date in the planning period (e.g., by 2028)</li> <li>• <i>Stanford Specific Plans</i>: The County revised Program 2.02 (Planning for Housing Development in Unincorporated USAs and Stanford University Lands) to create a ministerial approval process for sites in the inventory that comply with all affordability requirements and for sites who do not comply will require them to go through a discretionary process. However, the Program must still commit to a schedule of actions to facilitate development in the planning period, including alternative actions by a specified date if the sites do not progress toward completion in the planning period. Please see HCD’s prior review for additional information.</li> <li>• <i>Sites Identified in Prior Planning Periods</i>: As found in HCD prior review, to make prior identified sites available to accommodate lower-income households the County must include a rezone program to must include a rezone program to comply with Government Code 65583.2 subdivision I.</li> <li>• <i>Replacement Housing Requirements</i>: As noted in the prior review, the housing element must include a program to provide replacement housing. (Gov. Code, § 65583.2, subd. (g)(3).) The replacement housing program must adhere to the same requirements as set forth in Government Code section 65915, subdivision I, paragraph (3).</li> </ul> <p>In addition, the element includes Program 2.20 (Tracking and Ongoing Compliance with State Housing Laws) and Program 2.02 (Planning for Housing Development in Unincorporated USAs and Stanford University</p>	<p><b><u>Program 2.01 (Housing Suitability and Prioritization Tool for County-Owned Properties)</u></b></p> <p><u>County</u> needed clarification on how to respond to this comment, clarifying that this program is specific to site assessment and selection, and that a separate existing program already addresses the process/timeline for County-led development.</p> <p><u>HCD</u> provided direction to the County to make the parameters of this program clear, including the schedule of actions/completion, and to reference the related program that is dedicated to the County-led development.</p> <hr/> <p><b><u>Program 4.03 (Coordinated Annexation and RHNA Transfer)</u></b></p> <p><u>County</u> needed clarification on how to respond to this comment, given the limits of the County’s role in annexation and RHNA transfers.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Elaborate on the steps involved and what function the County plays, even if ministerial, i.e., coordination on determining necessary findings, receipt of notice from City/LAFCO, updating/recording maps, etc.</li> <li>• Clarify what the County will do if the program is not realized, due to one reason or another, i.e., mid-cycle re-evaluation of RHNA goals and progress, with a menu of options to consider at such time, “actions may include...”</li> </ul> <hr/> <p><b><u>Stanford Specific Plans</u></b></p> <p><u>County</u> needed clarification on how to respond to this comment, given the unique land use regulations specific to Stanford campus.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Describe the steps involved for residential development on Stanford campus, specifically for the three inventory sites identified, under the recently revised Zoning Ordinance. Should cover from application to plan check, incomplete status, architecture and site approval, building permit, etc.</li> <li>• Include a timeline projection, based on when the County might expect permit submittal during the cycle and what will happen at</li> </ul>	<p>Per the direction provided by HCD, the County made the following revisions:</p> <p><b>Program 2.01 (Housing Suitability and Prioritization Tool for County-Owned Properties)</b> timeline was updated to show that the scheduled actions were already completed, and the tool is already in effect for helping the County select sites for potential housing development. Program language aligned with implementation and objectives for <b>Program 1.07 (County-Led Housing Development)</b>.</p> <p><b>Program 4.03 (Coordinated Annexation and RHNA Transfer)</b> updated to explain the County’s role in the annexation process, context for previous annexations, and commitments to proactively coordinate in the annexation process. The County further commits to a mid-cycle review should the number of units transferred, combined with permits issued, not be on course to meet the County’s sixth cycle RHNA obligations.</p> <p><b>Program 2.02 (Planning for Housing Development in Unincorporated USAs and Stanford University Lands)</b> updated to discuss Stanford more specifically, including process and requirements to build housing on Stanford lands, the County’s expectation of how development on the Stanford sites will proceed, and to state that the County’s rezoning complies with GC 65583.2(c).</p> <p><b>Section 2.04a Overview</b> updated to clarify which nonvacant sites were previously used. Added statement that the County’s most recent rezoning complies with GC 65583.2(c).</p> <p><b>Program 2.27 (Replacement Housing Policy)</b> added to establish a new policy that is consistent with the State Density Bonus Law and is consistent with GC 65583.2 (g)(3). This is also cross-referenced in Chapter 3. Per the direction provided by HCD, timelines for this program were moved forward.</p> <p><b>Program 2.20 (Tracking and Ongoing Compliance with State Housing Laws)</b> updated to include specific actions to remedy any deficiencies in the County Zoning Ordinance (citing specific state law code sections), including relating to <i>Transitional and supportive housing, Permanent supportive housing, Low Barrier Navigation Centers, SRO units, Ag Employee Housing, ADU/JADU/SB9, Group Homes of 7+, and Emergency Shelters</i>. Per the direction provided by HCD, timelines for this program were moved forward.</p>

<sup>7</sup> 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).)

Topic	HCD Comments (Dec 2023) (+ August 2023 HCD Comments)	County Response / HCD Direction	Revisions Made
	<p>Lands) to amend zoning to allow a variety of housing types, including single-room occupancy (SRO), transitional and supportive housing, employee housing, emergency shelters, accessory dwelling units (ADU), low barrier navigation centers and by-right permanent supportive housing. However, the Program does not clearly commit to amend zoning, using verbiage such as “may require updating”. As of the writing of this review, zoning is required to be updated and the Program should specifically commit to amend zoning. In addition, the Program should commit to at least parameters or certainty for the outcome of these commitments such as comply with state law citing government code or describing requirements (e.g., permit without discretionary action). For example, for low barrier navigation centers and permanent supportive housing, the Program should commit to amend zoning to permit the uses without discretionary action in zones that allow multifamily uses pursuant to Government Code section 65651 and 65661, respectively. Also, for emergency shelters, Program 2.20 (Tracking and Ongoing Compliance with State Housing Laws) should be modified to comply with AB 2339 and commit to amend the definition of emergency shelter, a zone that allows residential uses, appropriate development standards and sufficient capacity to accommodate the need for emergency shelters, including proximity to transportation and services.</p> <p><i>Prior comment:</i> 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 should be revised as follows:</p> <ul style="list-style-type: none"> <li>• Program 2.01 (Housing Suitability and Prioritization Tool for County-Owned Properties): The element mentions County-Owned lands, but these programs should include specific commitment to facilitate development on these sites in the planning period. For example, instead of stating the County complete the GIS tool, the element should include a schedule of actions; the actual actions and milestones toward development (e.g., coordination, disposition, funding, incentives, entitlements, building permits and alternative actions).</li> <li>• Annexation: The element must have specific commitment and discrete timing to facilitate annexation on identified sites. Examples include coordinating zoning and land use; collaboration with local governments and developers; assisting with funding; facilitating all entitlements as necessary and alternative actions if annexations do not occur by a specified date in the planning period (e.g., by 2028).</li> <li>• Stanford Specific Plan: The element must include actions to facilitate development in the proposed Stanford area. Examples include coordinating zoning and land use; collaboration with local</li> </ul>	<p>what point should Stanford choose not to develop. Could also reference a mid-cycle re-evaluation program.</p> <hr/> <p><b>Sites Identified in Prior Planning Periods</b></p> <p>County needed clarification on how to respond to this comment, given that the County does not have any parcels in the sites inventory that trigger such requirements.</p> <p>HCD provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Clarify which sites, if any, have been selected in the past and whether they are nonvacant. If sites were identified in the past, the County must include a program to comply with government code 65583.2 subdivision (c). If this rezone was completed, please send a copy of the resolution/ordinance for review.</li> <li>• Recommendation to also note that the County’s completed rezone program already does comply with Government Code 65583.2 subdivision I, which categorically eases constraints to development of such parcels.</li> </ul> <hr/> <p><b>Replacement Housing Requirements</b></p> <p>County needed clarification on how to respond to this comment.</p> <p>HCD provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Add a program to have a replacement policy consistent with the State Density Bonus Law. Use the language in the findings: “By [X date], the County will establish a policy with replacement housing requirements...” citing Gov. Code, § 65583.2, subd. (g)(3).</li> </ul> <hr/> <p><b>Program 2.20 (Tracking and Ongoing Compliance with State Housing Laws)</b></p> <p>County needed clarification on how to respond to this comment.</p> <p>HCD provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Confirm deficiencies in County Zoning Ordinance pursuant to current requirements of State law and acknowledge that the County will remedy such deficiencies, on a specific timeline (i.e., “By December 2026”).</li> <li>• Note that the County will adopt all necessary revisions and will additionally track and review state legislation and bring forward code amendments on an annual basis to address any future discrepancies or inconsistencies.</li> </ul>	

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	<p><i>governments and developers; assisting with funding; facilitating all entitlements as necessary and alternative actions if annexations do not occur by a specified date in the planning period (e.g., by 2028).</i></p> <ul style="list-style-type: none"> <li><i>Sites Identified in Prior Planning Periods: If necessary, the element must include a program for vacant sites identified in two of more consecutive planning periods' housing elements or nonvacant sites identified in a prior housing element, that are currently identified to accommodate housing for lower-income households. The program must be implemented within the first year or three years; whichever is appropriate, of the planning period and commit to zoning that will meet the density requirements for housing for lower-income households (30 units per acre) and allow by-right approval (without discretionary action) for housing developments that include 20 percent or more of its units affordable to lower-income households.</i></li> <li><i>Replacement Housing Requirements: The housing element must include a program to provide replacement housing. (Gov. Code, § 65583.2, subd. (g)(3).) The replacement housing program must adhere to the same requirements as set forth in Government Code section 65915, subdivision I, paragraph (3).</i></li> </ul>	<ul style="list-style-type: none"> <li>Under the second bullet in the program timeline, include the list of specific areas that need amending and their corresponding code sections. <ul style="list-style-type: none"> <li><i>Transitional and supportive housing:</i> Make direct reference to compliance with 65583I(3).</li> <li><i>Permanent supportive housing:</i> Make direct reference to compliance with 65651.</li> <li><i>Low Barrier Navigation Centers:</i> Make direct reference to compliance with 65660-65661.</li> <li><i>SRO units:</i> Need to amend zoning and development standards to encourage and facilitate SRO units in the appropriate zones where residential uses are allowed (e.g., multi-family, commercial, mixed-use, etc.) and consider including/allowing conversion of nonresidential development to SRO.</li> <li><i>Ag Employee Housing:</i> Need to confirm compliance with Health and Safety Code section 17021.5/.6/.8. No need to address further if County is already compliant.</li> <li><i>ADU/JADU/SB9:</i> No need to address further if County is already compliant, since existing zoning directly defers to State law.</li> <li><i>Group homes of 7+:</i> Need to be allowed in all zones that have similar residential uses, with objective standards akin to the similar residential uses. Discretionary permit processes are acceptable, provided there is no disparity with other similar uses.</li> <li><i>Emergency Shelters:</i> Need to amend definition in zoning to include expansion for “interim interventions” (i.e., counseling, resources), pursuant to recent state legislation, and ensure County compliance with all other requirements per Gov Code 65583(a)(4). Amend zoning within one year of adoption of the Housing Element to permit large-scale projects without discretionary action in one or more zones that allow residential uses, with appropriate standards to encourage the development, ensuring access to transit and services, and with sufficient overall capacity for the assessed need. Utilize existing analysis to determine need and sufficient capacity. County could choose one or two zones and only allow large-scale by right in such zones, if appropriate and sufficient to meet the need.</li> </ul> </li> </ul>	
<b>B. (3) Housing Programs<sup>8</sup></b>	The element was revised to modify programs 1.01-1.31 with some metrics; however, these programs were not revised to address HCD prior review. Programs designed to assist in the development of ELI housing should include specific commitments with identified timelines. Please see HCD’s prior review for additional information.	<p><b><u>Program 2.04 (Assess Farmworker Housing Needs and Collaborate with Other Jurisdictions).</u></b></p> <p><u>County</u> needed clarification on how to respond to this comment, particularly within the context of the companion programs 1.29, 2.14, and 4.02.</p>	Per the direction provided by HCD, the County made clarifying revisions/additions to Programs 1.01 – 1.31 to include a more nuanced account of the implementation steps involved in each program and to acknowledge proactive outreach, technical assistance, and coordination with developers and nonprofits.

<sup>8</sup> The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)

Topic	HCD Comments (Dec 2023) (+ August 2023 HCD Comments)	County Response / HCD Direction	Revisions Made
	<p>In addition, Program 2.04 (Assess Farmworker Housing Needs and Collaborate with Other Jurisdictions) must be revised to include additional actions to assist in the development of housing for farm workers. For example, the County can include actions to provide proactive and annual outreach with service providers to share information developed by the agricultural worker housing plan. HCD will send examples of farmworker housing programs.</p> <p><i>Prior comment:</i> The element must include program(s) with specific actions and timelines to assist in the development of housing for extremely low-income households and households with special needs. The element included programs 1.01-1.31; however, these Programs should include tangible deliverables beyond coordination and utilizing existing efforts. The element should be revised with programs such as proactive and annual outreach with developers to identify development opportunities, establishing priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers. For additional information, see the Building Blocks: <a href="https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/assist-development-housing">https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/assist-development-housing</a>.</p> <p>In addition, based on the outcomes of a complete analysis, the element must have specific actions to assist in the development of housing for farmworkers.</p>	<p>HCD provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Program 4.02 (Agricultural Worker Housing Workplan) should include a commitment to implement the workplan (annually) once its development is complete.</li> <li>• Program 2.14 (Expanded Streamlining of Agricultural Employee Housing) – add that the County will identify opportunities (annually) for development of farmworker housing, for example in partnership with nonprofit developers, and make a clear commitment to pursue actions that will expand streamlining.</li> <li>• Program 2.04 (Assess Farmworker Housing Needs and Collaborate with Other Jurisdictions) – revise to avoid using non-committal language for program objectives and make a clear commitment to pursue actions that will share best practices (annually) with other jurisdictions once the farmworker housing needs assessment is complete.</li> </ul>	<p>Programs 4.02, 2.14, and 2.04 were also updated pursuant to HCD direction.</p>
<p><b>B. (4) Housing Programs<sup>9</sup></b></p>	<p>As noted in Finding A4, the element requires a complete analysis of potential governmental 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. In addition, the element should be revised, as follows:</p> <ul style="list-style-type: none"> <li>• <i>Program 2.20</i> (Tracking and Ongoing Compliance with State Housing Laws) should be revised to include at least parameters or certainty for the outcome of these commitments such as comply with state law citing government code or describing requirements (e.g., permit without discretionary action) for SB 35 and SB 330.</li> <li>• <i>Program 2.22</i> (Objective Standards for Multi-Family Housing) should go beyond considering adoption and specifically commit to adopting objective standards or other measures to promote approval certainty.</li> </ul>	<p>County needed clarification on how to respond to this comment.</p> <p>HCD provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Program 2.22 (Objective Standards for Multi-Family Housing) – revise to avoid using non-committal language for program objectives and make a clear commitment to pursue actions that will remove governmental constraints and replace with objective standards.</li> <li>• Program 2.20 (Tracking and Ongoing Compliance with State Housing Laws) – addressed above in relation to another comment; no additional direction.</li> </ul>	<p>Per the direction provided by HCD, the County updated Program 2.20 (Tracking and Ongoing Compliance with State Housing Laws) to include specific actions and citing specific state law code sections, and the timeline for completion was brought forward to occur sooner.</p> <p>Updated Program 2.22 (Objective Standards for Multi-Family Housing) to provide additional level of commitment to pursue objective standards for multi-family housing.</p>

<sup>9</sup> 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).)



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	<p><i>Prior comment:</i> 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.</p>		
<p><b>B. (5) Housing Programs<sup>10</sup></b></p>	<p>As noted above, the element must include a complete analysis of affirmatively furthering fair housing (AFFH). The element must be revised to add goals and actions based on the outcomes of a complete analysis. In addition, actions must have specific commitment, milestones, geographic targeting and metrics or numeric objectives. Particularly, metrics should target beneficial impacts or outcomes for people; households, and neighborhoods (e.g., number of people or households assisted, number of housing units built, number of parks or infrastructure projects completed). Finally, while the element was revised to include a list of fair housing issues and corresponding programs and actions to address the issues, it must include additional place-based strategies toward community revitalization and environmental justice and actions to mitigate displacement risk.</p> <p><i>Prior comment:</i> As noted in Finding B1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the County may need to revise or add programs. In addition, 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 higher opportunity or higher income areas, place-based strategies for community revitalization and displacement protection. For example, the element must add significant and meaningful housing mobility actions to overcome the existing patterns in the County related to the broader region.</p>	<p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> provided direction to the County:</p> <ul style="list-style-type: none"> <li>• Identify place-based strategies for unincorporated areas that are responsive to the needs of underinvested and low-income communities identified through the AFH.</li> <li>• Metric for place-based strategies could be the number of people assisted/served.</li> <li>• Examples of place-based strategies: development of parks, libraries, or other projects that could help revitalize a low-income community.</li> </ul> <p>Could include projects funded by Community Development Block Grants (CDBG) or other capital improvement plan (CIP) projects.</p>	<p>Per the direction provided by HCD, the County created new <b>Program 2.29 (Place-Based Planning and Neighborhood Improvements)</b> that details specific place-based strategies for the unincorporated areas. The County also included quantifiable program goals and steps to annually seek funding to continue and expand upon these place-based strategies.</p>
<p><b>B. (6) Housing Programs<sup>11</sup></b></p>	<p>The element was not revised to address this finding. Please see HCD prior review.</p> <p><i>Prior comment:</i> While Program 2.06 (Streamline ADU Processing) commits to amend the ordinance to comply with SB 9; it should also commit to comply with ADU law; establish incentives such as modifying development standards (e.g., heights), pursuing funding; making prototype plans available; waiving fees</p>	<p><u>County</u> needed clarification on how to respond to this comment.</p> <p><u>HCD</u> clarified that, since the County ordinance provisions regarding ADUs directly defer to State law, the County is compliant and nothing further is needed except to clearly state as much. Such statement should be included both in the ADU streamlining program (2.06) and in the Chapter 2 analysis of ADUs.</p>	<p>Per the direction provided by HCD, the County updated <b>Program 2.20 (Tracking and Ongoing Compliance with State Housing Laws)</b> to describe how the County’s zoning ordinance regarding ADUs directly defers to State law, and therefore is compliant. The County also updated <b>Program 2.06 (Streamline ADU Processing)</b> to include consideration of incentives to construct ADUs.</p>

<sup>10</sup> 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).)

<sup>11</sup> Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)

Topic	HCD Comments (Dec 2023) (+ August 2023 HCD Comments)	County Response / HCD Direction	Revisions Made
	<p><i>beyond ADU law; proactive marketing and establishing points of contact to ease permitting processes. In addition, the element should monitor the production of affordability of ADUs at least twice in the planning period and commit to act within a specified time (e.g., six months) if assumptions are not realized.</i></p>		
<p><b>C. Quantified Objectives<sup>12</sup></b></p>	<p>While the element was revised to revise quantified objectives for units needing rehabilitation and conservation/preservation for ELI, and low-income households; however, no numeric objectives are listed for rehabilitation and conservation for moderate or above-moderate income households. Rehabilitation and conservation objectives may include other activities intended to rehabilitate and conserve housing such as those outlined under Table 4.1</p> <p><i>Prior comment:</i> While the element includes quantified objectives for new construction, it must also include objectives for units that will be rehabilitation for income groups beyond ELI households. In addition, the element should include conservation objectives by income group. Conservation objectives may include other activities intended to conserve housing such strategies employed by the County to promote tenant stability, code enforcement and energy conservation.</p>	<p>County needed clarification on how to respond to this comment.</p> <p>HCD clarified that moderate- and above moderate-income residences are not required to be incentivized or the subject of a County program and that HCD will not hold the County accountable to these numbers. HCD provided direction to the County to forecast an estimate for the rehabilitation and conservation activity during the 6<sup>th</sup> cycle, including for moderate- and above moderate-income households, in Table 2.14.</p>	<p>Per the direction provided by HCD, the County has added additional information to <b>Section 2.04d, Summary of Quantified Objectives</b>, concerning the age of single-family residences, code enforcement complaints, remodel permits issued, and an estimated forecast of rehabilitation and conservation activity during the 6<sup>th</sup> cycle, including for moderate- and above moderate-income households, in Table 2.17.</p>

<sup>12</sup> 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).)