

## Updated Responses to November 5, 2024, “Out” Letter

All page numbers are from the Track Changes version of the 2025 HCD Draft.

Comment #	Revision Request	Corresponding Recommended Modifications to the Housing Element
1	<p><u>Progress in Meeting the Regional Housing Need Allocation (RHNA):</u> As stated in HCD’s prior review, the element should provide a complete analysis of the availability of pipeline projects, including information regarding the remaining steps needed for projects to receive final approval, any known barriers or constraints to development, and the likelihood of development within the planning period. In addition, the element should add or revise a program to monitor the pipeline projects progress toward completion and specifically commit to alternative actions (including rezoning) if needed by a certain date (e.g., 2028).</p>	<p><b>C: Housing Resources</b> <b>Page C-9:</b> Added additional information about Site AJ (555 Kelly)</p> <p><b>H: Housing Plan</b> <b>New bullet in Program 1-1 (page H-5):</b></p> <ul style="list-style-type: none"> <li>• If the City has not made substantial progress by the 2027 APR (March 2028) in terms of meeting RHNA and development on sites, including pipeline sites, then the City will pursue a public process to identify and rezone additional sites by end of September 2029, with a January 2030 effective date.</li> </ul>
2	<p><u>Realistic Capacity:</u> The element has been revised to provide support for realistic capacity assumptions; however, Table C-6 indicates the presence of exceptions for multiple projects that have been used to justify realistic capacity calculations. The element should clarify which exceptions were granted and analyze the frequency of their use to justify the assumptions for all future developments or utilize a realistic capacity that accounts for zoning, development standards, and site features without the use of exceptions. Programs should be added or revised as necessary to address potential governmental constraints involving the frequent use of exceptions to support the development feasibility.</p>	<p><b>C: Housing Resources</b> <b>C-15:</b> Added a paragraph explaining exceptions (R-L and R-M) under "Site Capacity and Adjustment Factors"</p>
3	<p><i>Environmental Constraints: The element was not revised to address this finding, please see HCD’s prior review for additional information.</i></p>	<p><b>C: Housing Resources</b> <b>Beginning C-25:</b> Additional constraints were included on a site-by-site basis in the “Housing Opportunity Sites Summaries” section.</p>

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	<p><u>Environmental Constraints</u>: While the element includes discussion of environmental constraints relative to identified sites, it should also discuss any other known conditions that could preclude development on identified sites in the planning period. Examples include shape, easements, Williamson act contracts, contamination, coastal policies, and property conditions.</p>	
<p>4</p>	<p><u>Publicly-Owned Sites</u>: The element should clarify the remaining steps needed for Site 1 (880 Stone Pine Road) and discuss any impacts related to the timing of relocation for Site 2 (498 Kelly Avenue).</p>	<p><b>C: Housing Resources</b></p> <p><b>Page C-31:</b> Site 2: Added note about mitigating impacts of relocation in Site 2 Site Summary.</p> <p><b>H: Housing Plan</b></p> <p><b>In Program 4-8 (page H-26):</b></p> <ul style="list-style-type: none"> <li>• Clarified alternative site identification timeline for Sites 1 and 2</li> <li>• Changed two to three in "Timeline"</li> </ul>
<p>5</p>	<p><u>Electronic Sites Inventory</u>: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD’s housing element webpage at <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 City can reach out to HCD at <a href="mailto:sitesinventory@hcd.ca.gov">sitesinventory@hcd.ca.gov</a> for technical assistance.</p>	<p>N/A</p>
<p>6</p>	<p><i>Program 3-4 (Housing for Essential Workers)</i>: The Program should at least commit to bi-annually identify housing opportunities. In addition, the Program should commit to amend zoning in</p>	<p><b>B: Constraints</b></p> <p><b>Page B-38:</b> Added paragraph describing path of compliance with HSC Section 17021.8 of EHA</p>

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	<p>compliance with Health and Safety Code section 17021.8 of the Employee Housing Act.</p>	<p><b>H: Housing Plan</b>  <b>In Program 3-4 (page H-18):</b></p> <ul style="list-style-type: none"> <li>• Revised bullet 5 to commit to bi-annual identification of housing opportunities</li> <li>• New bullet 6 to describe path of compliance with HSC Section 17021.8 of EHA</li> </ul>
<p>7</p>	<p><i>Program 3-7 (Emergency Shelters):</i> The Program should specifically commit to amend the definition of emergency shelters and clarify by-right as a non-discretionary action. In addition, the Program should specifically commit to amend zoning to permit Permanent Supportive Housing in all zones that allow for multifamily uses without discretionary action and in compliance with Government Code section 65651.</p>	<p><b>H: Housing Plan</b>  <b>In Program 3-7 (page H-20):</b></p> <ul style="list-style-type: none"> <li>• Revised bullet 2 to include definition for emergency shelter</li> <li>• Revised bullet 3 to define “by-right” as non-discretionary</li> <li>• New bullet 4 to permit Permanent Supportive Housing in all zones that allow for multifamily uses without discretionary action and in compliance with Government Code section 65651</li> </ul>
<p>8</p>	<p><i>Program 4-8 (Public and Quasi-Public Owned Lands for Affordable Housing):</i> The Program should commit to discrete timelines for establishing incentives, disposition of lands and completion of alternative actions, if necessary.</p>	<p><b>H: Housing Plan</b>  <b>In Program 4-8 (page H-26):</b></p> <ul style="list-style-type: none"> <li>• Revised bullets 2 and 3 to include a timeline to dispose of lands by end of 2030</li> <li>• Revised bullet 2 to identify additional incentives by September 2029</li> <li>• Revised bullet 3 to identify alternative actions as well as alternative sites by September 2029</li> </ul>
<p>9</p>	<p><u>Fees and Exactions:</u> The element should list and analyze all the fees that are charged locally, including planning fees and building fees</p>	<p><b>B; Constraints</b>  <b>Page B-65:</b> Added additional narrative with per-project fees.</p>

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	(e.g., rezones, general plan amendments, conditional use permits, variances, etc.) for impacts on housing costs.	
10	<p><i>On/Off-Site Improvements: The element was not revised to address this finding, for example, references to municipal codes does not provide for a sufficient analysis. Please see HCD’s prior review for additional information.</i></p> <p><u>On/Off-Site Improvements:</u> The element must identify subdivision level improvement requirements and analyze their impact as potential constraints on housing supply and affordability. For additional information and a sample analysis, see the Building Blocks at <a href="https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvement-standards">https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvement-standards</a>.</p>	<p><b>B: Constraints</b></p> <p><b>Page B-50:</b> Updated discussion of constraints.</p>
11	<p><u>Growth Control:</u> HCD’s prior review found the element should evaluate the City’s growth control, including Measures A and D, for impacts on housing cost, supply, timing, and approval certainty. In addition, HCD found the element should discuss compliance with the Housing Crisis Act (Gov. Code, § 66300 et seq) and ADU law (Gov. Code, § 65852.2 et seq) and add or modify programs, if necessary. However, the element was not revised to address this finding. Please see HCD’s prior review for additional information.</p> <p>For your information, at least portions of Measures A and D appear in conflict with state laws and relevant portions, particularly limits on the number of permits, should be immediately ceased. For example, accessory dwelling unit (ADU) law shall not be considered in the application of any local ordinance, policy or program to limit residential growth. (Gov. Code, § 66319). In addition, the Housing Crisis Act (Gov. Code, § 66300), among many other provisions,</p>	<p><b>B: Constraints</b></p> <p>Related to pending joint letter from HCD and Coastal Commission. City response is dependent on that pending information.</p>

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	generally prohibits an affected local government from limiting the number of land use approvals or permits. HCD, in collaboration with the California Coastal Commission, will follow up with more detailed guidance, including in relation to the City’s ADU ordinance, under separate cover.	
12	<i>Program 1-2 (Missing Middle Housing Development Standards):</i> The Program was revised to only address garage requirements for substandard lots; however, the requirement should also be removed for other multiplexes, multifamily residential, and mixed-use residential uses.	<p><b>H: Housing Plan</b></p> <p><b>In Program 1-2 (page H-5):</b></p> <ul style="list-style-type: none"> <li>Revised bullet 5 to remove garage requirement for multiplexes, multifamily residential, and mixed-used residential uses</li> </ul>
13	<i>Program 1-3 (Below Market Rate (BMR) Housing Ordinance):</i> The Program should commit to allow for additional alternatives for compliance (e.g., land donations) in addition to examine constraints (particularly for new provisions) and adjust inclusionary requirements as needed with discrete timing.	<p><b>H: Housing Plan</b></p> <p><b>In Program 1-3 (page H-6):</b></p> <ul style="list-style-type: none"> <li>Added to bullet 1 direction to refine BMR Ordinance to allow for additional alternatives for compliance (e.g., land donations)</li> <li>Added new bullet 10 to adjust inclusionary requirements as needed</li> </ul>
14	<i>Growth Control:</i> As noted above, the element should contain a complete analysis of the City’s growth control and add or modify programs as appropriate to address constraints, including compliance with the Housing Crisis Act and ADU law.	<p><b>H: Housing Plan</b></p> <p>Related to pending joint letter from HCD and Coastal Commission. City response is dependent on that pending information.</p>
15	<i>Program 6-6 (work with Non-Profits and Regional Partners):</i> The element was not revised to address this finding. As stated in HCD’s prior review, the Program must provide for discrete timing (e.g., at least annually, by 2025) to ensure beneficial impact throughout the planning period.	<p><b>H: Housing Plan</b></p> <p><b>In Program 6-6 (page H-33):</b></p> <ul style="list-style-type: none"> <li>Revised bullet 3 to add timing and NOFA commitment</li> <li>Modified Objectives and Timeline to connect to revised bullet 3</li> </ul>

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	<p><b>Program 6-6 (Work with Non-Profits and Regional Partners):</b> The element must provide discrete timing for the Program (e.g., at least annually, by 2025) to account for how often the action will occur as well as to ensure a beneficial impact throughout the planning period and quantify objectives where feasible.</p>	
16	<p><i>Program 6-8 (Annual Review of Residential Dwelling Unit Allocation System): As stated in HCD’s prior review, the Program should provide for alternative actions (e.g., adjust assumptions, rezone within six months), if needed. In addition, the Program should be expanded to include incentives to promote the creation and affordability of ADUs. Examples include exploring and pursuing funding, modifying development standards, and reducing fees beyond state law, increasing awareness, pre-approved plans and homeowner/applicant assistance tools.</i></p> <p><b>Program 6-8 (Annual Review of Residential Dwelling Unit Allocation System):</b> While the Program commits to monitor permitted ADUs and affordability with discrete timing, it should also commit to additional appropriate action such as adjusting assumptions and rezoning within a specified time (e.g., six months), as necessary.</p>	<p><b>H: Housing Plan</b></p> <p>Related to pending joint letter from HCD and Coastal Commission. City response is dependent on that pending information.</p>
17	<p><b>Program 1-4 (Residential Density Bonus Ordinance):</b> The Program should include a quantifiable metric or objective.</p>	<p><b>H: Housing Plan</b></p> <p><b>In Program 1-4 (page H-7):</b></p> <ul style="list-style-type: none"> <li>Added objective of 2 projects using Residential Density Bonus Ordinance throughout the planning period</li> </ul>
18	<p><b>Program 2-1 (Housing Rehabilitation):</b> The Program should include a quantifiable metric or objective.</p>	<p><b>H: Housing Plan</b></p> <p><b>In Program 2-1 (page H-11):</b></p>

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		<ul style="list-style-type: none"> <li>Added objectives of 48 homes throughout the planning period</li> </ul>
19	<p><b>Program 3-3 (Home Sharing and Cooperative Housing):</b> The Program should include geographic targeting of actions.</p>	<p><b>H: Housing Plan</b>  <b>In Program 3-3 (page H-16):</b></p> <ul style="list-style-type: none"> <li>Added geographic targets of Census Tracts 6135.01 and 6135.02 (north of CA-92)</li> </ul>
20	<p><b>Program 3-4 (Housing for Essential Workers):</b> The Program should include a quantifiable metric or objective and geographic targeting of actions.</p>	<p><b>H: Housing Plan</b>  <b>In Program 3-4 (page H-17):</b></p> <ul style="list-style-type: none"> <li>Added geographic targets of Census Tracts 6135.01 and 6135.02 (north of CA-92), Block Groups 3 and 5 of Census Tract 6137 (south of Town Center)</li> </ul>
21	<p><b>Program 3-5 (Large and Multi-Generational Households):</b> The Program should include a quantifiable metric or objective and geographic targeting of actions.</p>	<p><b>H: Housing Plan</b>  <b>In Program 3-5 (page H-19):</b></p> <ul style="list-style-type: none"> <li>Added objective of at least three projects with units for large and multi-generational households developed during the planning period</li> <li>Added geographic targets of Census Tracts 6135.01 and 6135.02 (north of CA-92), Block Groups 3 and 5 of Census Tract 6137 (south of Town Center)</li> </ul>
22	<p><b>Program 3-6 (Childcare):</b> The Program should include geographic targeting of actions.</p>	<p><b>H: Housing Plan</b>  <b>In Program 3-6 (page H-19):</b></p> <ul style="list-style-type: none"> <li>Added geographic target of Block Group 1 of Census Tract 6137 (Town Center)</li> </ul>
23	<p><b>Program 3-7 (Emergency Shelters) and 3-8 (Emergency Housing Demand):</b> The Programs should include a specific commitment,</p>	<p><b>H: Housing Plan</b></p>

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	quantifiable metric or objective, and geographic targeting of actions.	<p><b>In Program 3-7 (page H-20):</b></p> <ul style="list-style-type: none"> <li>• Added specific objective of continued support of Coast House</li> <li>• Added geographic target of Block Group 1 of Census Tract 6137 (Town Center)</li> </ul>
24	<p><b>Program 3-10 (Housing for Homeless Individuals and Families):</b> The Program should include a quantifiable metric or objective and geographic targeting of actions.</p>	<p><b>H: Housing Plan</b></p> <p><b>In Program 3-10 (page H-21):</b></p> <ul style="list-style-type: none"> <li>• Added specific objective of continued support of Coast House</li> <li>• Added geographic target of Block Group 1 of Census Tract 6137 (Town Center)</li> </ul>
25	<p><b>Program 4-3 (Multilingual Housing Information Access):</b> The Program should include geographic targeting of actions.</p>	<p><b>H: Housing Plan</b></p> <p><b>In Program 4-3 (page H-23):</b></p> <ul style="list-style-type: none"> <li>• Added geographic targets of Census Tracts 6135.01 and 6135.02 (north of CA-92), Block Groups 3 and 5 of Census Tract 6137 (south of Town Center)</li> </ul>
26	<p><b>Program 4-6 (Increased Funding for Affordable Housing) and 4-7 (Affordable Housing Fund Management and Use):</b> The Program should include a quantifiable metric or objective and geographic targeting of actions.</p>	<p><b>H: Housing Plan</b></p> <p><b>In Program 4-6 (page H-25):</b></p> <ul style="list-style-type: none"> <li>• Added objective of applying Affordable Housing Fund towards the development of at least one project during the course of the planning period</li> <li>• Added geographic target of Block Group 1 of Census Tract 6137 (Town Center)</li> </ul>
27	<p><b>Program 6-6 (Work with Non-Profits and Regional Partners):</b> The Program should include a quantifiable metric or objective.</p>	<p><b>H: Housing Plan</b></p> <p><b>In Program 6-6 (page H-33):</b></p>

**ATTACHMENT 5**

<b>Comment #</b>	<b>Revision Request</b>	<b>Corresponding Recommended Modifications to the Housing Element</b>
		<ul style="list-style-type: none"><li>• Added objective of releasing one NOFA during Cycle 6</li></ul>