

**City of East Palo Alto Draft Housing Element for 2023-2031**  
**Response to California Department of Community and Community Development Letter of January 19, 2023 on**  
**Revisions for Substantial Compliance with State Housing Element Law (Article 10. 6 of Government Code)**

Statutory Requirement	HCD Comment	City Response
<b>A, Review and Revision</b>		
<p><i>Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)</i></p>	<p>As part of the evaluation of programs in the past cycle, the element must analyze the appropriateness of goals, objectives, and policies including a description of how the goals, policies, and programs of the updated element incorporate what has been learned from the results of the previous element. In addition, the element must analyze the cumulative impact and effectiveness of the previous housing element's programs to address the housing needs of all special need populations (i.e., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness).</p>	<p>A review and evaluation of the 5<sup>th</sup> cycle Housing Element is contained in Appendix E of the Draft Housing Element. The Housing Needs Assessment is covered in Chapter 2 of the Draft Housing Element, which include analyzing the needs of special needs populations. These two evaluations along with the AFFH analysis (Chapter 4 and Appendix C,) and community input (Section 1.3, Section 1.4, and Appendix A) have informed the policies and programs in 6<sup>th</sup> cycle Housing Element. Policies and programs that address special needs and unhoused populations include the following:</p> <p>Special Needs – 1.4, 4.8, 7.1  Homelessness – 7.2, 7.3, 7.4, 7.5, 7.6, 10.2</p> <p>An analysis of the cumulative impact and effectiveness of the previous housing element's programs to address the housing needs for special needs populations can be found in Chapter 7, Section 7.1.</p>
<b>B. Housing Needs, Resources, and Constraints</b>		
<p>1. <i>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).)</i></p>	<p><u>Enforcement and Outreach</u>: While the element describes the City's outreach, it must describe the process to refer fair housing complaints. In addition, the element must include a fair housing program to address the identified lack of fair housing information on the City's website.</p>	<p>Housing Element discusses the City's Rent Stabilization Ordinance, Rent Stabilization Board, Project Sentinel, and Measure O anti-displacement programs offered through contract with non-profit organizations using Measure O local tax revenue to cover education, advocacy, enforcement, and outreach on fair housing issues (see 3.4. 5.7 and 5.8). The City's rent stabilization program and its network of non-profit organizations comprise the City's fair housing program and an integral part of the referral system. Referrals can also come to code enforcement.</p>
	<p><u>Integration and Segregation</u>: While the element addresses most of the requirements, it should analyze the local concentrations of familial status geographically within the City. It should analyze what contributes to the identified disparities in the area bordering Menlo Park with high concentrations of poverty and lower access to opportunity.</p>	<p>The fair housing analysis was prepared in accordance with state AFFH requirements and analyzes factors such as household composition, income, racial composition, special needs populations, housing characteristics, and analyzes the geographic disparities within the City. The Housing Element</p>

		programs and policies in Chapter 6 reflect the findings of the fair housing analysis (refer to C.4 below).
	<u>Disparities In Access to Opportunity:</u> While the element includes some data, additional information is required. The element should analyze what contributes to the lower access to jobs and high unemployment rate within the City. It should also describe whether access to jobs is equal throughout the City and whether protected classes have access to jobs. In addition, the element must analyze access to transit geographically throughout the City as well as regionally.	Employment and local hiring was analyzed in a study completed in 2021 by Brightline Defense Project that was commissioned by the City to provide recommendations for implementing the City's First Source Hiring Ordinance and Measure HH, a local tax approved by voters in 2018 that includes funding for a local workforce development program that would benefit East Palo Alto residents. Policy 4.14 addresses the implementation of the City-approved Pilot Workforce Development Program.
	<u>Disproportionate Housing Needs including Displacement:</u> The element must analyze geographic concentrations of cost burden, overcrowding, and substandard housing within the City, as well as what contributes to the high concentration of disproportionate needs. In addition, the element should expand the analysis on displacement risk within the City and provide a regional analysis (City compared to the broader region).	The Housing Element has been edited to provide more information on disproportionate housing needs such as discussion on historic redlining, overcrowding, and substandard housing (based on code enforcement records)
	<u>Affirmatively Furthering Fair Housing (AFFH) and Identified Sites:</u> While the element analyzes the identified sites for each fair housing factor, the maps indicate that sites are concentrated by income level. The element should identify what actions the City is taking to address the potential concentration of sites for lower income in certain areas and it should analyze how the identified sites contribute to or mitigate fair housing issues.	Discussion of the role City's Inclusionary Housing Ordinance is plays in affirmatively furthering fair housing is further expanded upon in the Housing Element. Policies and programs are proposed to address affordable housing financing, housing rehabilitation, and preservation of affordable unit (refer to C.4 below)
	<u>Contributing Factors:</u> The element identifies many contributing factors to fair housing issues. In addition, the element must prioritize these factors to better formulate policies and programs and carry out meaningful actions to AFFH.	Chapter 6, Section 6.2 summarizes the primary AFFH factors for East Palo Alto as revealed in the fair housing analysis and community input.C.4 below lists these factors and indicates the Housing Element policies and programs that address these factors.
<i>2. Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income</i>	<u>Extremely Low-Income (ELI) Households:</u> The element must identify and analyze the number of existing ELI households by tenure. In addition, the element must also identify the total number of projected 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 regional housing need allocation (RHNA) for very low-income households qualify as ELI households.	The City identifies and analyses the existing ELI households by tenure in Chapter 2, Section 2.5, and Section 2.6 and in Appendix B under Figure 12: Household Income Level by Tenure. Discussion of the projected housing needs overall is in Chapter 2, Section 2.8, and discussion of the projected housing need for ELI households is in Chapter 5.

households. (Gov. Code, § 65583, subd. (a)(1).)		
3. 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).)	<p><u>Overpayment:</u> While the element identifies the total number of households overpaying for housing, it also must identify and analyze the total number of lower-income households overpaying for housing by tenure (i.e., renter and owner) and add or modify policies and programs as appropriate.</p>	<p>The fair housing analysis includes data on cost burdened households by income category (very low, low, moderate, and above moderate) and by rental and ownership households. See Housing Element Appendix B, Figure 27: Cost Burden by Tenure. Policies and programs were modified as appropriate.</p>
	<p><u>Housing Stock Condition:</u> The element identifies the number of substandard housing units within the City. However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.</p>	<p>While a survey of the condition of the housing stock is not available, staff was able to assess housing conditions through a review code enforcement records and records from administration of the City Rent Stabilization program. This information was added to Chapter 2 of the Housing Element.</p>
	<p><u>Housing Costs:</u> While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., local knowledge) to better reflect local market conditions. For example, the element may utilize data from Zillow and Apartments.com.</p>	<p>Current rents for housing units in East Palo were estimated based on the listings and data in Zillow. This information was added to Chapter 2, Section 2.7 of the Housing Element.</p>
4. 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).)	<p><u>Progress in Meeting the RHNA:</u> The City's RHNA may be reduced by the number of new units built since June 30, 2022; however, the element must demonstrate their affordability based on actual sales price, rent level, or other mechanisms ensuring affordability (e.g., deed restrictions).</p>	<p>At the time of preparation of the Housing Element, none of the entitled residential projects that qualify for inclusion in the Sites Inventory for 2023-2031 has been completed. Staff was able to obtain <i>projected</i> rents from the developer on the recently entitled Woodland Park Euclid Improvements apartment project, which are discussed in the Sites Inventory Appendix D.</p>
	<p>The element should also demonstrate their availability in the planning period. The availability or likelihood the units will be built in the planning period should account for any barriers to development, phasing, anticipated build out horizons, market conditions and other relevant factors.</p>	<p>The Sites Inventory (Chapter 5 and Appendix D) provides additional information on each project and site to demonstrate the expected availability and development of the sites during the 6<sup>th</sup> cycle Housing Element and the factors for making this determination. Many of the sites have entitled projects or development applications are currently in process.</p>
	<p>Furthermore, Tables 5.2 (high probability projects) and 5.3 (lower probability projects) should clarify whether what is listed are</p>	<p>The Sites Inventory (Chapter 5 and Appendix D) adds information on the projects with approved and active applications (pre-application or formal applications in</p>

	<p>projects (projects) or sites and whether the unit counts are based on project applications submitted to the City.</p>	<p>process). Some sites were removed from the Sites Inventory with a lower probability of development by 2031.</p>
	<p>Table 5.2, if considered projects, must also clarify how affordability is determined and provide the status of each development.</p>	<p>The Sites Inventory (Chapter 5 and Appendix D) provides further information for how the income category of the units were determined based on specific project information, such as 100% affordable housing projects or the number of units required per the City's Inclusionary Housing Ordinance. As noted above, the projected Woodland Park rents were provided by the developer and compared with markets rents in East Palo Alto to confirm validity.</p>
	<p>In addition, if the units listed in Table 5.1.B are sites (p. 5-3), the element should clarify what the approved densities are based on since many of the assumed densities are much higher than what zoning allows.</p>	<p>The Sites Inventory (Chapter 5 and Appendix D) clarifies the approved and projected densities for the sites. Where densities are higher than the zoning, these projects include a density bonus as allowed by state law and local ordinance.</p>
	<p>Lastly, the element states that some projects listed to meet the RHNA have the potential of being sold. The element should describe whether the sale of the projects would affect likelihood of development during the planning period.</p>	<p>Staff cannot predict with confidence if the sale of a site will affect the likelihood of development. Project approvals run with the land and entitlements are transferred to the next owner. It is not uncommon for a developer to sell a property after entitlement are received which may delay construction or, conversely, facilitate financing to allow the project to proceed.</p>
	<p><u>Sites Inventory</u>: While the element identifies sufficient capacity for lower-income and above-moderate income households, there is an identified shortfall of sites to accommodate moderate income households. The element must identify sufficient capacity for all income levels or rezone as needed.</p>	<p>The sites in the Sites Inventory have been reevaluated for sale or rent level and staff now projects that the capacity will be significantly exceeded for all income categories. The Moderate-Income category was previously deficient, but staff now believes that the majority of the units in the Woodland Park project will qualify as Moderate-Income units (previously listed as all Above Moderate-Income units).</p>
	<p><u>Realistic Capacity</u>: 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. The element should also analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow nonresidential uses (e.g., mixed-use). This analysis should</p>	<p>As noted above, staff has further evaluated the sites in the Sites Inventory to confirm the realistic capacity of the sites. This includes reevaluating factors such as market condition, recent proposals from developers, site conditions, residential development patterns, trends, and densities in East Palo Alto, and sufficiency of utilities.</p> <p>While mixed-use sites could conceivably be built with a 100% commercial project, that is not anticipated based on submitted applications or discussions with the prospective applicants. Additionally, East Palo Alto's Sites Inventory significant exceeds its RHNA so a generous buffer or alternative sites are available if residential densities are not met on these sites. Several mixed-use sites are located in the</p>

	<p>consider the likelihood of 100 percent nonresidential development and adjust residential capacity assumptions as appropriate. For example, the element could describe performance standards or evaluate all trends in the pertinent zones, how often residential occurs and adjust residential calculations as appropriate. In addition, the element should assess the realistic capacity assumptions of 755 Schembri Lane and East Bayshore properties which have a higher assumption than what is described as owner interest.</p>	<p>Ravenswood/Four Corners Specific Plan area; a specific plan update is in progress and staff is considering stipulating minimal residential density for mixed-use sites.</p> <p>Staff has also clarified that where project units exceed density, these projects are SB35 projects or are taking advantage of the state density bonus law.</p> <p>See revisions to Chapter 5 and Appendix D for more details.</p>
	<p><u>Zoning for Lower-Income Households:</u> The element must demonstrate zoning appropriate to accommodate housing for lower-income households. For sites with zoning meeting specified densities or default densities (30 units per acre in East Palo Alto), no analysis is required. Otherwise, the element must include analysis based on statutory factors. While the element identifies densities of at least 30 units per acre for many of the sites to accommodate housing for lower-income households, other sites do not meet the default density. As a result, if relying on densities less than 30 units per acre to accommodate the lower-income RHNA, an analysis must be included to demonstrate how the zoning encourages the development of units affordable for lower-income households. Please see HCD's Building Blocks for more information.</p>	<p>Per Housing Element Law and HCD guidance,, the Sites Inventory does not include any affordable units for sites that are less than one-half acre or more than ten acres. The only sites with an allowable density of less 30 units per acre that includes affordable units are those sites with entitled projects that are likely to be constructed during the 6<sup>th</sup> cycle Housing Element. The affordable units are required per the City's Inclusionary Housing Ordinance.</p>
	<p><u>Suitability of Nonvacant Sites:</u> The element identifies nonvacant sites to accommodate the regional housing need for households of all incomes. A complete analysis should describe the methodology used to determine the additional development potential within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).) For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment.</p>	<p>For non-vacant sites, staff have expanded the information for these sites to explain the methodology and factors for concluding the potential development of these sites by 2031. The existing improvements on these properties were also further explained. For example, several sites are under-utilized with an older single-family home on a sizable lot. The City has a history of similar sites being redeveloped with multiple residential units.</p> <p>The Sites Inventory (Chapter 5 and Appendix D) provides a further explanation of the suitability of all nonvacant sites for redevelopment. Appendix D includes a description for every site included in the Sites Inventory.</p>
	<p>In addition, specific analysis and actions are necessary if the housing element relies upon nonvacant sites to accommodate</p>	<p>Staff have calculated that slightly over 50 percent of the units required to meet the RHNA for lower-income units are on</p>

	<p>more than 50 percent of the RHNA for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.</p>	<p>nonvacant sites. Per comment above, staff has provided further explanation for concluding the suitability of all sites (vacant and nonvacant) in Sites Inventory for potential development within the 6<sup>th</sup> cycle Housing Element. As such, staff does not believe additional findings, as noted, are required.</p>
	<p><u>SB 9 Sites:</u> The element identifies SB 9 as a strategy to accommodate the part of the City’s need of moderate income RHNA. For example, the analysis should include experience, trends and market conditions that allow lot splits. The analysis must also include a nonvacant sites analysis demonstrating the likelihood of redevelopment and the existing use will not constitute as an impediment for additional residential use. The analysis should describe how the City determined eligible properties, whether the assumed lots will have turnover, if the properties are easy to subdivide, and the condition of the existing structures. The analysis should also describe interest from property owners as well as experience. The analysis should provide support for the assumption of eligible properties being developed within the planning period. Based on the outcomes of this analysis, the element should add or modify programs to establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development as well as monitor development every two years with and identify additional sites within six months if assumptions are not being met. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9.</p>	<p>The SB 9 parcels have been removed from the Sites Inventory. These sites were previously listed as Moderate-Income units. Staff has identified other units (Woodland Park Euclid Improvements project mentioned above) that will provide sufficient Moderate-Income units to excel the RHNA for this income category. While staff continues to believe these parcels are highly suitable for SB 9 projects and the City has approved several SB 9 projects on similar parcels, the criteria or threshold for including these sites are difficult to meet. Nevertheless, the Housing Element includes Policies/Programs 1.7 and 1.25 to support and facilitate SB 9 projects.</p>
<p>4. continued</p>	<p><u>City-Owned Sites:</u> The element must include additional discussion on the City-Owned site identified to accommodate the RHNA. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). Finally, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the</p>	<p>Additional information has been included the Sites Inventory Methodology (Appendix D.1, Section D.1.5.5) regarding the potential for adding residential units to the City-owned site at 2277 University. While the 560 Bell St site was removed from the Sites Inventory, the City still has a Program 1.22 to determine the feasibility of redeveloping the current Senior Center; a General Plan and zoning change might be required to allow residential use.</p>

	<p>jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.</p>	
	<p><u>Publicly Owned Sites and School Sites:</u> The element identifies a senior center, a County- Owned site, and a Ravenswood School District site. The element should provide additional discussion on each of the sites and address general plan designations, allowable densities, support for residential capacity assumptions, existing uses, whether lot splits are needed, and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). The element must provide additional support and describe whether the City has contacted the owners regarding feasibility of development on these sites and whether they will be available during the planning period.</p>	<p>Additional information has been included the Sites Inventory Methodology (Appendix D.1, Section D.1.5.5) regarding the potential for redeveloping the publicly owned for residential development. The site owned by the County of San Mateo at 2415 University Avenue was removed from the Sites Inventory, after further analysis found the site to be too narrow and requiring shared parking. The site owned by the City at 560 Bell St was also removed from the Sites Inventory given the potential need to rezone. The Ravenswood School District submitted a letter (see Appendix D2) indicating its interest in developing its site for residential uses to address the significant need for housing among their staff and regionally, which was affirmed by the School Board in January 2023. The County of San Mateo submitted a letter (see Appendix D3) expressing interest in developing housing at 2277 University, after a land swap.</p> <p>Programs 1.23 and 1.24 have been added to address development of both sites for residential uses.</p>
	<p><u>AB 725:</u> For jurisdictions that are considered Metropolitan, the element must identify at least 25 percent of the remaining moderate and above moderate RHNA on sites that allow at least four units of housing (e.g., four plex or greater). (Gov. Code, § 65583.2, subd. (c)(4).)</p>	<p>East Palo Alto meets this requirement for Above Moderate-Income RHNA units with over 25 percent of these units located on sites that will allow at least four housing units.</p>
	<p><u>Sites Identified in Prior Planning Periods:</u> Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period. For more information on program requirements, please see HCD’s Housing Element Sites Inventory Guidebook at <a href="https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf">https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf</a></p>	<p>Appendix D1 indicates which parcels in the City’s RHNA 6 sites inventory were identified in prior planning periods. Of the sites identified in previous planning years, some are already approved and are now proceeding to the building permit stage. The remaining projects do not require rezoning within three years, as they are not designated to accommodate the housing needs for lower-income households or they have already been rezoned to allow for the number of units designated in the sites inventory.</p>
	<p><u>Replacement Housing Requirements:</u> If the sites inventory identifies sites with existing residential uses, the element must include a replacement housing program for units affordable to</p>	<p>Policy 10.1 requires applicable residential projects to include replacement lower-income units pursuant to Government Code Section 65583.2(g). However, East Palo Alto has</p>

	<p>lower-income households Pursuant to Government Code section 65583.2, subdivision (g). Absent a replacement housing program, these sites are not adequate sites to accommodate lower-income households. The replacement housing program has the same requirements as set forth in d</p>	<p>already been enforcing this requirement through its application of SB 330.</p>
	<p><u>Small and Large Sites:</u> Sites smaller than half an acre or greater than ten acres are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites of equivalent size and affordability were successfully developed during the prior planning period or other evidence demonstrates the suitability of these sites. The element must provide analysis of past trends or present other evidence to demonstrate the suitability of these sites. For example, the analysis could describe the City’s role or track record in facilitating past lot consolidation, common ownership, policies, or incentives offered or proposed to encourage and facilitate lot consolidation or other conditions rendering parcels suitable and ready-for-lot consolidation. For example, the element must describe feasibility of the waterfront site, the City-Owned site less than half an acre, as well as the numerous aggregated small parcels.</p>	<p>Per state law, staff amended the Sites Inventory to exclude any affordable units for sites that are less than one-half acre or more than ten acres unless the project is already entitled and developers have included affordable units in their projects to comply with the City’s Inclusionary Housing Ordinance.</p>
<p>4. continued</p>	<p><u>Accessory Dwelling Units (ADU):</u> ADUs may be counted toward the RHNA based on past permitted units and other relevant factors. In the element, the City projects 125 ADUs will be constructed over the planning period, averaging 16 units per year. This projection was based on figures provided based on past ADU annual permit figures of 8, 10, and 29 for 2019, 2020, and 2021, respectively. However, Annual Progress Reports submitted by the City showed building permit figures of 0, 8, and 10 for 2018, 2019, and 2020, respectively. The element should reconcile these numbers and adjust assumptions as appropriate. Further, programs should commit to additional incentives and strategies, frequent monitoring (every other year) for production and affordability, and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., six months) as needed.</p>	<p>Staff has reconciled the ADU production numbers and has taken a conservative approach. The projected ADUs units in the Sites Inventory has been adjusted to use the lower numbers in the Annual Progress Report. See revised Housing Element Section 5.8.</p> <p>Various Housing Element Policies/Programs have been included to address zoning standard update and incentives for ADUs (see Policies/Programs 1.7, 1.8, 1.10, and 10.5).</p>
	<p><u>Availability of Infrastructure:</u> While the element analyzes the capacity of water and sewer to accommodate the City’s RHNA, capacity was identified as a constraint. The element must include a program to address capacity throughout the planning period. In addition, the element must include an analysis of access and</p>	<p>The Infrastructure Constraints section of the Housing Element (Section 3.2.2) has been clarified to indicate that water supply capacity and the wastewater treatment plant capacity are sufficient, and no longer a constraint to meet RHNA needs. However, each residential project is required to pay water, sanitary sewer, and stormwater development</p>



	availability of dry utilities to support sites identified in the inventory.	impact fees to pay for city-wide infrastructure improvements. During project review, each project will be evaluated for the sufficiency of site-specific infrastructure.
	For your information, water and sewer service providers must establish specific procedures to grant priority service allocations for water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. HCD recommends including a cover memo describing the City’s housing element, including the City’s housing needs and regional housing need.	Policy 5.4 has been added in the Housing Element to comply with this Government Code requirement. Staff will follow up with water and sewer service providers following certification of the Housing Element.
	<u>Environmental Constraints:</u> On page 3-24, the element began discussing environmental conditions, but the analysis must fully describe how environmental conditions relate to identified sites including any other known environmental constraints within the City that could preclude or impact housing development in the planning period. In addition, the element should include a program to address the water moratorium and describe actions being taken to resolve the restrictions with the East Palo Alto Sanitary District.	The Non-Governmental Constraints section of the Housing Element (Section 3.3.6) has been revised to address environmental constraints. The primary environmental constraints to residential development are compliance with flood, geotechnical, and seismic standards. The City’s water moratorium was ended in 2018 upon East Palo Alto securing additional water allotments from the cities of Mountain View and Palo Alto.
	<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.	An Electronic Sites Inventory will be submitted with the City’s adopted Housing Element per Government Code 65583.3 using the template provided by HCD.
	<u>Emergency Shelters:</u> The element should describe the development standards of the industrial transition zone that allows emergency shelters by-right. In addition, the element should analyze proximity to transportation and services for these sites, hazardous conditions, and any conditions inappropriate for human habitability, as well as total capacity. Lastly, the element must describe how emergency shelter parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.	Program 10.2 has been added to update the City’s zoning and development standards per the Government Code.
	<u>By-Right Permanent Supportive Housing:</u> Supportive housing shall be a use by- right in zones where multifamily and mixed	Program 10.3 has been added to update the City’s zoning and development standards per the Government Code.

	uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate.	
	<u>Single Room Occupancy (SRO) Units</u> : The element must clarify which zoning districts SROs are allowed in and whether the jurisdiction has a procedure to encourage and facilitate SRO development in the allowable zones. Programs should be added or modified as necessary.	Single Room Occupancy Units are not distinguished from other multi-family uses in East Palo Alto's Development Code and are allowed wherever residential uses are allowed.
	<u>Housing for Farmworkers</u> : The element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone.	Program 10.4 has been added to clarify that the definition of "housekeeping unit" can include employee housing for six or fewer employees for compliance with the Employee Housing Act.
	<u>Manufactured and Mobile Housing</u> : Manufactured and mobile homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling would be subject to. The element must demonstrate consistency with this requirement or add or modify programs as appropriate.	Manufactured or mobile housing on a permanent structure is not distinguished from a conventional single-family home in the definition of a single-family dwelling in the City's Development Code.
	<u>Accessory Dwelling Units (ADU)</u> : The element indicates the City modified its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the City's ordinance, HCD discovered several areas which are not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance to comply with state law. For more information, please consult HCD's ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development.	The Housing Element has multiple policies to update the Development Code to conform with the latest state laws. Additionally, programs have been added to facilitate the production of ADUs through further relaxation of zoning standards; fee waiver, reductions, or deferrals; pre-approved plans; expanded homeowner resources; and incentives for deed-restricted ADUs.  Refer to Policy/Programs 1.7, 1.8, 1.10, 1.12, 1.13, and 7.8.
<i>5. An analysis of potential and actual governmental</i>	<u>Land Use Controls</u> : The element must identify and analyze all relevant land use controls impacts as potential constraints on a	An expanded discussion of development impediments is included in the Housing Element under Government

<p><i>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).)</i></p>	<p>variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. While the element lists development standards, it must also analyze them for constraints. The analysis should specifically address requirements related to parking standards (p. 4-10) and clarify whether parking spaces for each zone are for all unit types and/or bedroom sizes. It should also analyze open space requirements (common and private), and the 30- foot rear setback in the BRC and Four Corners Zones. The element must also describe whether 100 percent residential and/or commercial uses are allowed in mixed-use zones. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities. The element must include a program to address all identified constraints.</p>	<p>Constraints (Section 3.1). Parking standards for residential uses are based on number of bedroom but does not vary among zoning districts. However, programs are included in the Housing Element to update City zoning standards to conform to the latest state laws, which include conforming parking standards to AB2097.</p> <p>The City is in the process of updating the Ravenswood Business District/Four Corners Specific Plan (RBD) which will reevaluate all development standards for properties within the specific plan area. Several mixed-use sites are located in the RBD; the update will consider stipulating minimal residential density for mixed-use sites.</p> <p>Land use and development constraints are acknowledged through multiple policies and programs to clarify, adjust, and streamline the project review process. Refer to Housing Element Policies/Programs 1.1, 1.2, 1.3, 1.4, 1.11, 1.12, 1.21, 1.25, 10.7 and 10.8.</p>
	<p><u>Fees and Exaction:</u> While the element includes a link to fees on the City’s website, it should also list the typical permitting fees exacted in Table 3.7 (p. 3-16). In addition, the element should further clarify what planning fees are exacted (e.g., rezoning, general plan amendments, subdivisions, etc.). Fees should be compared with surrounding and/or similar jurisdictions and analyzed for potential constraints on a variety of housing types.</p>	<p>An expanded discussion of development fees and exactions that provides this information is included in the Housing Element under Government Constraints, Section 3.1.15 with Tables 3.1.15(A)-(E). Information was added regarding development processing and estimated permit and development fees for several hypothetically residential projects is shown in Table 3.1.15(A). A comparison of fees with surrounding communities is included in Table 3.1.15(E).</p>
	<p><u>Local Processing and Permit Procedures:</u> While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing, and approval certainty. For example, the element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate. In addition, the element should clarify whether the listed processing times for each approval are for both single family and multifamily developments. Lastly, the element should analyze the difference in the total processing times for single and multifamily developments as a constraint, as multifamily developments take up to four times as long to</p>	<p>Residential projects in East Palo Alto are subject to the same requirements as other cities under state laws governing processing times, objective design standards, and certainty in development requirements. The City adheres to the requirements in SB 9, SB 35, SB 330, and the Housing Accountability Act (HAA) and have trained Planning Commissioners on these laws. Staff has prepared guidelines for SB 9 and SB 35 by-right projects.</p> <p>Information on development processing times is discussed in Housing Element, Section 3.1.13. Average processing times and approval authority for a single-family dwelling and multifamily project are listed in Table 3.1.13(A).</p> <p>Housing Element Programs/Policies that address improving the development review process include 1.1, 1.2, 1.3, 1.4, and 1.11,</p>

	<p>approve as single-family developments and add programs as appropriate.</p>	
	<p><u>Design Review:</u> The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.</p>	<p>Currently, application of the City’s design guidelines for residential projects are limited due to SB 330 and HAA. The Planning Division’s work program for 2023 includes retaining a consultant firm to prepare objective design standards for all types of residential development through a REAP grant authorized by ABAG Adoption of these standards will provide greater development certainty.</p> <p>Program 1.1 pertains to all residential development in the City, and Program 10.8 pertains to residential development in the Ravenswood/Four Corners Specific Plan.</p>
	<p><u>On/Off-Site Improvements:</u> The element must analyze whether subdivision level improvement requirements (e.g., curbing requirements, street widths, circulation improvements) impose potential constraints on housing supply and affordability.</p>	<p>Housing Element, Section 3.2.1 discusses on and offsite improvements as a possible constraint and proposes possible fee credits or waivers to ameliorate this potential constraint. Housing Element Policy 1.6 addresses seeking financial assistance for affordable housing projects to cover costs for design, development, and off-site public improvements.</p>
	<p><u>Zoning and Development Standards Transparency:</u> The element must clarify compliance with new transparency requirements for posting all zoning, development standards and inclusionary requirements on the City’s website and add a program to address these requirements, if necessary.</p>	<p>The City’s Development Code and Inclusionary Housing Ordinance are already available on the City’s website. Additionally, the City has prepared informational flyers and resources that describe the City’s zoning and development standards and the City’s housing programs and services and this information is posted on the City’s website. Project applicants are strongly encouraged to seek community input before presenting their project to the Planning Commission and City Council.</p>
	<p><u>Building Codes and Enforcement:</u> The element must describe and analyze which building code (e.g., 2022) is enforced, any local amendments to the building code, and building code enforcement for their impacts on housing supply and affordability. In addition, the element should explain how municipal codes are enforced (e.g., proactive, reactive, combination) and whether any resources are provided to the public.</p>	<p>East Palo Alto has adopted the 2022 Building Safety Code and adopted a Reach Code in 2020 governing electric charging stations and electrification requirements for all new buildings with certain allowable exemptions, such as affordable housing projects. The City will be considering amendments to the Reach Code in Spring 2023. Enforcement of the Municipal Code is generally reactive based on community complaints, with health and safety violations having priority. Occasionally, code enforcement staff will enforce codes proactively during the course of prosecuting existing code cases. Information on code enforcement is posted on the City’s website.</p>

	<p><u>Other Local Ordinances:</u> While the element briefly mentions the City’s inclusionary ordinance, it requires 20 percent of units at varying levels of affordability. The element must analyze whether this is a constraint and add programs as needed.</p>	<p>The Inclusionary Housing Ordinance is acknowledged in the Housing Element as a government constraint. However, the ordinance is recognized as essential for helping to meet the City’s RHNA, achieving fair housing objectives, integrating affordable ownership and rental units into market rate projects; and creating affordable housing throughout the City.</p>
	<p><u>Constraints on Housing for Persons with Disabilities:</u> While the element describes the City’s reasonable accommodation procedure, it must list and analyze findings of approval for constraints. In addition, the element lists additional requirements for residential care facilities for five or more residents including spacing from other residential care facilities “currently seven hundred and fifty feet (750) for facilities that house ten persons or more, and 500 feet for facilities that house 6-10 residents.” These spacing requirements are a constraint and must be revised in a program. Zoning and standards should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities may pose a constraint on housing choice for persons with disabilities. The element should include specific analysis of these and any other constraints for impacts on housing for persons with disabilities and add or modify programs as appropriate.</p>	<p>Reasonable accommodations are addressed in the City’s Municipal Code, Chapter 14.10, and the Development Code, Chapter 18.98. Housing Element Policy 4.8 calls for continuing to implement these ordinances to remove constraints, along with implementing the City’s ADA Compliance Plan for public accessibility improvements.</p>
<p><i>6. 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</i></p>	<p><u>Approval Times:</u> The element must estimate the length of time between receiving approval for housing development and submittal of application for building permits. While the element states it is difficult to estimate, it must include an estimated time between project approval and building permit. The analysis must address any hinderances on housing development and programs should be added as appropriate to address constraints.</p>	<p>Residential projects in East Palo Alto are subject to the same requirements as other cities under state laws governing processing times, objective design standards, and certainty in development requirements. The City adheres to the requirements in SB 35, SB 330, and the Housing Accountability Act (HAA) and have trained Planning Commissioners on these laws.</p> <p>Information on development processing times is discussed in Housing Element, Section 3.1.13. Average processing times and approval authority for a single-family dwelling and multi-family project are listed in Table 3.1.13(A).</p> <p>Housing Element Programs/Policies that address improving the development review process include 1.1, 1.2, 1.3, 1.4, and 1.11,</p>

65584... (Gov. Code, § 65583, subd. (a)(6).)		
7. 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).)	<u>Elderly</u> : While the element analyzes the special housing needs of the elderly, it must also quantify the total number of elderly living in the City.	Information on the age profile of East Palo Alto’s population is summarized in Section 2.4 of the Housing Element. More specific data on the elderly population is found in Appendix B, Section 4.2, Age, with further information on geographic distribution and racial composition also provided.
	<u>Persons Experiencing Homelessness</u> : While the element analyzes the special housing needs of the unhoused, it must also include and discuss the most recent Point in Time (PIT) count of the number of persons experiencing homelessness within the City.	A discussion of the Point in Time count of the number of persons experiencing homelessness within the City was added to Appendix B Section 6: Special Housing Needs.
8. Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)	While Table 2.12.1 (p. 2-32) lists the jurisdiction’s inventory of at-risk units, it should provide the year affordability will expire for every development listed. In addition, the element must analyze the risk of conversion to market rate for these properties.	Table 2.12.1 has been revised to add the termination dates of at-risk units in the City. The earliest end date is 2053, so none of the at-risk units are at risk of conversion to market rate units during the 6 <sup>th</sup> cycle Housing Element period.
<b>C. Housing Programs</b>		
1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing	To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City’s specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:  1. All programs should identify responsible agencies and officials. 2. While the element includes a program to assist extremely low-income households, it must commit to specific actions toward housing outcomes. 3. Fee Reduction Program: The program should include actions beyond study feasibility and desirability of reducing fees.	Chapter 6, Section 6.3, Goals, Policies, and Programs Summary, and Section 6.4, Implementation Plan, have been substantially revised to add, clarify, or provide more specifics on Housing Element Policies and Programs in response to HCD’s comment letter of January 19, 2023. The entire Chapter has been redlined for readability. The following is a response to each comment:  1. A lead or responsible City department or division has been identified for all Policies and Programs. 2. More specific actions have been added to Policies and Programs pertaining to unhoused populations and extremely low-income households. 3. Where fee reductions, reductions, or deferrals are discussed, the Program or Policy has been amended to be more descriptive.

<p><i>Element... (Gov. Code, § 65583, subd. (c).)</i></p>	<ol style="list-style-type: none"> <li>4. Outreach Material Program: The program should include proactive outreach.</li> <li>5. Available Rehabilitation/Repair Funding Program: The program should specify how often the City will apply for funding.</li> <li>6. Pursue State Grant Funds Program: The program should specify how often the city will apply for funds.</li> <li>7. RBD Specific Plan Update Fee Waivers Program: The program should include an implementing action or backup option if fee waivers aren't implemented.</li> <li>8. Parking Reductions Program: The program should clarify what type of transportation demand management program and reductions will be included and whether it will apply to the entire City. It should also include proactive outreach.</li> <li>9. First-Time Homebuyer Program: The program should include proactive outreach to residents.</li> <li>10. Preservation Program: The program for at-risk properties should include actions to ensure owners comply with State Preservation Notice Law as well as include proactive outreach to owners.</li> <li>11. Doorway Program: The program should include proactive outreach.</li> <li>12. Assistance to Low-Income Homeowners with Home Repair Needs: The program should go beyond researching public sources. It should also include proactive outreach or assistance to owners.</li> <li>13. Direct Emergency Financial Assistance Program: The program should include proactive outreach.</li> <li>14. Anti-Displacement Program: The program should include proactive outreach to residents.</li> <li>15. Sewer District Program: The program should clarify whether there is sufficient capacity to meet the City's RHNA or identify actions needed to improve system.</li> <li>16. Water System Master Plan Program: The program should clarify whether the first phase provides enough water to meet RHNA or identify additional actions to ensure sufficient capacity.</li> <li>17. Program for Homelessness: The program should go beyond considering funding and include implementing actions.</li> <li>18. Larger Affordable Units: The program should clarify how the City will incentivize larger affordable units and what actions will be implemented.</li> </ol>	<ol style="list-style-type: none"> <li>4. Proactive outreach has been added to applicable Policies and Programs 2.1, 3.3, 4.11, 4.14, 5.7, 5.9, and 8.1.</li> <li>5. Policies 1.6 &amp; 9.4: language has been added to indicate that applying for funds will be considered as NOFAs are issued or annually (1.6, 9.4)</li> <li>6. Same as above.</li> <li>7. Other Policies/Programs for the RBD suggest alternative incentives such as by-right approval, density bonuses, or relaxed zoning standards (1.5, 1.21, 10.8)</li> <li>8. Policy 1.20: The City's existing TDM Program applies to recently approved projects (e.g., Woodland Park and University Circle). A TDM program with maximum parking standards is being discussed for the Ravenswood/Four Corners Specific Plan (not a specific proposal, but parking is mentioned on Program 10.8)</li> <li>9. See 4 above</li> <li>10. See 4 above</li> <li>11. Policy 3.3: added as noted in 4 above.</li> <li>12. See 4 above</li> <li>13. See 4 above</li> <li>14. See 4 above</li> <li>15. Policy 5.2: Discussion in the Housing Element, Infrastructure Constraints (Section 3.2) clarifies that there is sufficient wastewater treatment capacity to accommodate the RHNA; projects will be required to pay impact fees for upgrades to the sanitary sewer system.</li> <li>16. Policy 5.3: Discussion in the Housing Element, Infrastructure Constraints (Section 3.2) clarifies that there is sufficient water supply to accommodate the RHNA; projects will be required to pay impact fees for upgrades to the water delivery system.</li> <li>17. Policies/Programs 7.2 to 7.6 and 10.2 contain more specific proposals for providing housing and support services for the unhoused population.</li> <li>18. Policy 7.7: policy has been revised to describe more specific actions.</li> <li>19. Policy 7.8: policy has been revised to describe more specific actions.</li> </ol>
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	19. Encourage Deed-Restricted ADUs for ELI Program: The program should include specific actions on how the City will encourage deed-restricted ADUs for ELI households.	
<p><i>2. Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)</i></p>	<p>As noted in Finding B4, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:</p>	<p>As noted earlier, Chapter 5, Sites Inventory Analysis, and Appendix D, Sites Inventory, have been revised to further reinforce the validity of including these sites in the Sites Inventory and the probability of development during the 6<sup>th</sup> cycle Housing Element.</p>
	<p><u>Overlay Zone Program:</u> The program must identify whether there will be a back-up option if council denies the overlay zone. In addition, the timing includes SB 2 funding and should be adjusted to expenditure deadlines for the grant (December 31, 2023).</p>	<p>This program has been removed from the Housing Element Policies/Programs. Recent state laws such as by-right housing (SB 35), streamlined development review process (SB 330), allowance of residential uses in commercial districts (AB 2011), and elimination of parking in transit area (AB 2079) reduces the need for this program.</p>
	<p><u>Shortfall of Sites:</u> The element describes a shortfall of sites and indicates rezoning will occur to accommodate the RHNA. The element must specifically commit to acreage, allowable densities, and anticipated units. In addition, if necessary, to accommodate the housing needs of lower-income households, the program should specifically commit to rezoning pursuant to Government Code section 65583.2, subdivisions (h) and (i).</p>	<p>Staff does not expect to realize a shortfall of sites to meet its RHNA. The City's RHNA for the 6<sup>th</sup> cycle Housing Element is 829 housing units and the Sites Inventory has identified 1794 potential housing units. The Sites Inventory exceeds the RHNA VLI units by 179%, the RHNA LI units by 156%, the RHNA Moderate Units by 114%, and the RHNA Above Moderate Units by 83%. Cumulatively, the Sites Inventory exceeds the total RHNA by 116%.</p>
	<p><u>Adopt By-Right Zoning for Ravenswood 4 Corners Specific Plan Program; Senior Center Program; Gateway 101 Retail Site Program:</u> The programs must clarify whether the rezoning is needed to meet the City's RHNA. For your information, if any zoning amendment or rezoning is necessary in the planning period to accommodate a shortfall of adequate sites or unaccommodated need for lower-income households, the zoning must permit multifamily uses without discretionary action and address several other requirements pursuant to Government Code section 65583, subdivision (c), paragraph (1) and section 65583.2, subdivisions (h) and (i). Specifically, if adoption does not occur by January 31, 2023, or if the zoning is necessary after January 31, 2023, then sites must address the requirements described above.</p>	<p>Staff recognizes that limited sites in the Sites Inventory will need to be rezoned to allow residential uses, which includes several sites in the Ravenswood Business District/Four Corners Specific Plan area (RBD). However, it is not certain that these sites will be necessary to meet the City's RHNA for lower-income households. Nevertheless, the City acknowledges the Government Code sections regarding the limitation on discretionary review if applicable. The Senior Center site has been removed from the Sites Inventory. In addition, the Gateway 101 Retail Site has been removed from the Sites Inventory as the General Plan prioritizes retaining this property for commercial uses. The property will also be difficult to rezone because it consists of multiple parcels under separate ownership. There is also no active discussion about possibly adding residential uses on the property.</p>



	<p><u>RBD Specific Plan Density Bonus/Relaxed Zoning Program</u>: The program should include a specific implementing action beyond study.</p>	<p>This program will be considered along with other zoning measures to support residential development with adoption of the Ravenswood Business District/Four Corners Specific Plan, which is expected to occur by the end of 2023. (see Program 10.8)</p>
	<p><u>Land Swap with County Program</u>: The program must clarify whether the site is needed to meet the City’s RHNA. It must also clarify whether rezoning is needed and comply with Government Code section 65583, subdivision (c)(1) and section 65583.2, subdivisions (h) and (i). In addition, if land is not swapped, the program should include back-up actions to identify additional sites within three years of the start of the planning period.</p>	<p>This site is not necessary for meeting the City’s RHNA. As previously noted, the Sites Inventory has a large buffer of Very Low-, Low-, and Moderate-income units to meet the City’s RHNA. So, while rezoning is possible, it is not likely given the buffer. If the land swap is delayed, sufficient sites are identified as back-ups, but staff recognizes this will need to be monitored during the 6<sup>th</sup> cycle Housing Element period.</p>
<p>3. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)</p>	<p>As noted in Findings B5 and B6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:</p>	<p>Refer to responses under B5 and B6.</p>
	<p><u>Persons with Disabilities</u>: While the element includes Goal 7, it must also include a program with specific implementation to assist persons with disabilities, including reasonable accommodation</p>	<p>Policy 4.8 has been added to address the City’s existing reasonable accommodations ordinances. Policies 1.4, 4.8, 5.9, and 7.1 addresses special needs populations, which includes persons with disabilities.</p>
	<p><u>Updating Development Code for Inconsistencies with General Plan</u>: This program is vague about what actions will be taken and what constraints will be mitigated. The program would be revised to include specific actions and timing for implementation to address identified constraints.</p>	<p>Policy 10.8: As mentioned earlier, the only General Plan/zoning inconsistency in the City pertains to several parcels in the Ravenswood/Four Corners Specific Plan and primarily pertain to differences in allowable development density and building height These inconsistencies will be eliminated with adoption of the Specific Plan Update, which is currently being prepared, expected by the end of 2023.</p>
	<p><u>Objective Development standards</u>: The program should clarify what type of developments will have objective standards and whether it applies to single family and multifamily.</p>	<p>Policy 1.1: clarified that objective design standards will be developed to cover both single-family and multi-family developments.</p>
<p>4. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color,</p>	<p>As noted in Finding B1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add programs. The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified</p>	<p>Based on the results of review of the outcome of the 5<sup>th</sup> cycle Housing Element, the AFFH analysis, and community input during the public outreach for the 6<sup>th</sup> cycle Housing Element, priority fair housing needs were identified. Chapter 6 of the Housing contains various policies and programs that respond to the following needs:</p> <p>Anti-displacement – 1.15. 1.17. 4.9, 4.11. 4.12. 5.1. 5.7. 5.8, 5-9, 6.1, 6.4, 10.1</p>

<p><i>familial status, or disability, and other characteristics...</i></p>	<p>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 preservation and revitalization and displacement protection.</p>	<p>Rent registry – 3.2, 3.3, 3.4  Homebuyer assistance – 2.1, 2.2, 2.3, 2.4, 3.1, 9.4  Mortgage and rental assistance – 4.9, 4.11, 4.12  Foreclosure assistance – 4.9  Living wage employment – 4.14 (Measure HH programs)  Housing counseling – 5.7 (Measure O programs), 5.8, 5.9  Affordable housing development – 1.6, 1.15, 1.17, 1.22 to 1.24 (public lands)  Housing rehabilitation – 1.14, 4.3, 4.4, 4.5, 4.6, 1.14  Large-family households – 1.4, 7.7  Alternative housing solutions – 4.10 (land trusts)  Standardized review metrics (Including ADUs and SB9) – 1.1, 1.2, 1.3, 1.4, 1.11, 1.12, 1.21, 1.25, 10.7, 10.8  Special Needs Populations – 1.4, 4.8, 5.9, 7.1  Unhoused Population – 7.2, 7.3, 7.4, 7.5, 7.6, 10.2</p>
<p><i>5. Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent...</i></p>	<p><u>“Next Phase” Streamlining for ADUs and SB9 Program:</u> The program must specify what actions are included to streamline approval as well as clarify what will be implemented.</p>	<p>Policy 1.7 and 10.5 discuss measures to streamline the approval of ADUs and SB 9 projects. Other Policies/Programs also discuss incentivizing ADUs and SB projects (1.8, 1.10, 1.25)</p>
	<p><u>ADU Preapproved Designs:</u> The program should include specific implementation actions beyond revisiting feasibility.</p>	<p>Policy 1.10 includes the option of either the City preapproving ADU designs or participating in a clearinghouse to facilitate streamlined review of ADUs. The clearinghouse option is being discussed as a possible 21 Elements project by cities in San Mateo County.</p>
<p><b>D. Quantified Objectives</b></p>		
<p><i>Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame.</i></p>	<p>The element generally did not address this requirement. The element must include quantified objectives for construction, rehabilitation, and conservation by income group, including ELI households. Please see the Building Blocks for additional information.</p>	<p>The Quantified Objectives are included as Table 5.0.B in Chapter 5.</p>
<p><b>E. Public Participation</b></p>		
<p><i>Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this</i></p>	<p>While the element describes the public participation process and how all economic segments of the community were reached, it must describe how public input was or will be considered and incorporated in the element.</p>	<p>The third draft of the Housing Element, Sections 1.3, Outreach and Public Participation Process, Section 1.4, How We Incorporated What We Heard Into the Plan, and Appendix A, Public Outreach and Participation, have been updated to summarize the most recent public comments. The most recent comments were received during the public review period for the second draft of the Housing Element issued on January 17, 2023, the third draft of the Housing Element issued on February 5, Planning Commission public</p>

<p>effort. (Gov. Code, § 65583, subd.(c)(9).)</p>		<p>hearings on January 23 and February 9, 2023, and the City Council public hearing and adoption on February 21, 2023. Appendix Section A8 further summarizes and how public input has been incorporated into the Housing Element.</p>
<p><i>F. Consistency with General Plan</i></p>		
<p><i>The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)</i></p>	<p>While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.</p>	<p>East Palo Alto is a general law city and must maintain consistency between its General Plan and Development Code. Any proposed zoning change will be accompanied by a corresponding General Plan change if required. Currently, the only inconsistencies between the General Plan and Development Code pertain to limited properties in the Ravenswood/Four Corners Specific Plan area. These inconsistencies will be resolved with adoption of the Specific Plan.</p>