

City Responses to HCD Comments

HCD Comment	Pages	City Response
<p><u>Nonvacant Sites</u>: For your information, since nonvacant sites accommodate 50 percent or more of the lower-income need, the housing element must describe “substantial evidence” that the existing use does not constitute an impediment for additional residential use on the site. 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>	N/A	A finding that existing uses do not constitute an impediment for additional residential use on inventory sites has been included in the resolution for adoption of the Housing Element.
<p><u>Program 63 (Prioritize Affordable Housing on Public Property)</u>: While the program commits to promote surplus properties, it should also commit to a specific schedule of actions with discrete timing to facilitate development on public lands. Examples of actions include coordination with property owners, disposing of land or leasing land, removing barriers, assisting in site preparation, facilitating entitlements, assisting with funding, issuing permits and alternative actions if lands do not move forward with development by a specified date. HCD will send sample language under separate cover.</p>	8-33, 2-30	A specific schedule of actions was provided to facilitate the development of the City-owned property located near the intersection of Decoto Road and Fremont Boulevard. Other City-owned sites were deleted from the sites inventory. Additional actions were specified for the Fremont BART parking lot site.
<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. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.</p>	N/A	An electronic sites inventory will be submitted to HCD with the adopted Housing Element.
<p><u>Constraints on Housing for Persons with Disabilities</u>: The element must include an analysis of potential constraints on housing for persons with disabilities, as follows: <u>Reasonable Accommodation</u>: The element describes the City’s reasonable accommodation procedure, including listing approval findings. However, the element must analyze the approval findings.</p>	5-15, 2-35	Analysis has been added on page 5-15. On page 2-32, Program 69 has been modified to commit to the development of objective findings for reasonable accommodations. Specifically, the City shall remove language from the fifth finding that currently requires subjective judgement regarding “the substantial detriment of the residential character of that neighborhood.” The

<p>Specifically, the procedure requires a finding that the accommodation does not result in “substantial detriment of the residential character of that neighborhood”. The element should evaluate whether this finding acts as a constraint and add a program to address identified constraints.</p>		<p>objective findings shall facilitate the speedy approval of reasonable accommodation requests to facilitate the development of housing opportunities for people with disabilities.</p>
<p><u>Definition of Family:</u> The element describes the City’s definition of family and concludes the definition is not a constraint on housing for persons with disabilities. However, the element must include analysis to support this conclusion. For example, the City’s definition requires persons to have made a social, economic and psychological commitment to each other. The element should evaluate potential impacts of this provision on housing for persons with disabilities and add or modify programs to address identified constraints.</p>	<p>5-15, 2-35</p>	<p>Analysis has been added on page 5-14. The City has reviewed published guidance from 21 Elements and Mental Health Advocacy Services, Inc. regarding the definition of a family to support housing for people with disabilities. On page 2-32, Program 69 has been modified include revision of the definition of “family” to explicitly include the residents of residential care facilities and group homes for people with disabilities.</p>
<p><u>Program 69 (Barriers for Large Residential Care Facilities):</u> The program commits to amend zoning to permit group homes for seven or more persons by-right in multifamily and mixed-use zones. However, the program should also commit to allow these uses in lesser intensity residential zones (e.g., single-family) and should clarify these uses will only be subject to objective standards to facilitate approval certainty similar to other residential uses of the same type.</p>	<p>2-35</p>	<p>On page 2-32, Program 69 has been modified to commit to allowing group homes by-right in all residential zones, subject only to objective standards to facilitate approval certainty.</p>
<p><u>Programs:</u> The element includes many meaningful actions to affirmatively further fair housing (AFFH). However, in most cases, these actions should also include geographic targeting and metrics or numerical outcomes. For example, Program 3 (Minor Home Repair) could geographically target areas of higher need or relatively lower-incomes and include a numerical outcome (e.g., number of units). HCD will send sample program approaches under separate cover.</p>	<p>2-5, 2-5, 2-6, 2-18, 2-21</p>	<p>The City has modified multiple AFFH programs to incorporate additional geographic emphasis and numerical outcomes, as follows:</p> <ul style="list-style-type: none"> • Program 2: Added geographic emphasis on neighborhoods with highest incidence of substandard housing. • Program 3: Added numerical outcome and annual reporting on the geographic distribution of awards to ensure equity. • Program 5: Revised program to prioritize rezonings in neighborhoods with greatest amount of overcrowding. • Program 33: Further refined geographic emphasis on highest-resource neighborhoods.

		<ul style="list-style-type: none"> • Program 39: Added numerical outcome and geographic emphasis on specific LMI neighborhoods.
<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 (p. 1-1), it should also discuss how internal consistency within the general plan will be maintained throughout the planning period. For example, the element could discuss how internal consistency is evaluated as part of general plan updates or amendments or as part of the annual progress report pursuant to Government Code section 65400.</p>	<p>5-9, 2-44</p>	<p>Additional information has been added to page 5-9 to describe how general plan consistency is analyzed whenever the City Council considers General Plan Updates and Amendments, and as part of the General Plan Annual Progress Report submitted to HCD and OPR pursuant to Government Code Section 65400.</p> <p>A new program (Program 91) has been added to audit the Warm Springs Innovation District zoning and prepare a study to ensure consistency with the general plan designation, which may include allowing housing development by-right within additional WSI zoning districts. The City shall amend zoning to correct inconsistencies. If the City identifies vertical inconsistencies that apply more broadly within other City zoning designations, the City will address those as well.</p>