

Responses to August/September Informal Consultations with HCD

These items describe modifications made to the Housing Element, released to the public on September 8, 2023, in response to an informal consultation with Claire Sullivan on August 24, 2023 and one with Claire Sullivan and Fidel Herrera on September 5, 2023. All page numbers are from Track Changes version of “HCD 4” Draft, available at the [Colma Housing Element website](#).

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| <u>1</u> | <u>Emergency Shelters (Program 4.3)</u> : The element must still describe the emergency shelter development and management standards currently required and add or revise a program as appropriate. | Revised Program 4.3 to include parking requirements as well as a raised bed limit. | Program 4.3 (page H-134) |
| <u>2</u> | <u>Transitional and Supportive Housing (Program 4.6)</u> : While the element was revised to state transitional and supportive housing is permitted in the R and R-S zones, it must clarify that they are allowed as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. In addition, the element must have policies and procedures to accommodate AB 2162. The element should also describe the Town’s procedure for complying with Government Code section 65651, subdivision. For example, section 65651 requires jurisdictions to allow supportive housing by right (without discretionary action) in zones allowing multifamily housing, including mixed-use and nonresidential zones when the development meets certain requirements. | Revised Program 4.6 to clarify that they are allowed as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Previous revisions responded to AB 2162 and Government Code section 65651. | New language describing changes on page H-51, revised Program 4.6 (page H-138) |

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| <u>3</u> | <u>Fees:</u> While the element was revised to add an analysis of the affordable housing fee, it should clarify whether there are additional fees including impact fees other than a school fee. In addition, the element demonstrates that fees for multifamily developments are significantly higher than single-family fees on a per unit basis. The element must include a program to address this constraint. | <p>Revised the “Fees” section introduction and Inclusionary Housing and Housing Impact Fees subsection to clarify text.</p> <p>Moved the total fee tables comparing Colma to other San Mateo jurisdictions to bottom of section under subsection “Summary of Fees” on page H-114.</p> <p>Clarified that the In-Lieu Fee is based on Housing Impact Fees, as described at the bottom of page H-113 directly before Table H-58.</p> | Revised paragraph on page H-105 under “Fees”, combined Housing Impact Fees and Inclusionary Housing Fees section on H-113. Summary of Fees section begins on page H-114. |
| <u>4</u> | <u>Inclusionary Housing Ordinance:</u> While the element added additional information on inclusionary requirements, it must analyze the inclusionary’ s policy and available options to encourage and facilitate compliance with the inclusionary requirements such as availability of options to comply with the requirements, incentives and intersections with State Density Bonus Law. | <p>Under “Inclusionary Housing” on page H-114, additional analysis was included:</p> <p>Impact fees are not required on developments of four or fewer units. This is not necessarily done to encourage the development of smaller housing typologies including single-family housing units. It is rather because there is little available land for such housing types. There is only one undeveloped single-family parcel remaining in Colma, APN 008-125-180 (included in the Site Inventory). Impact fees are designed to support affordable housing development through actual housing development on developable land.</p> | Page H-114 |
| <u>5</u> | <u>Housing Opportunities for Persons with Developmental Disabilities (Program 4.4):</u> While the element references a reasonable accommodation procedure, it must still list approval findings and the approval process for the reasonable accommodation procedure and analyze as a | Revised Program 4.4 to include commitments to amend zoning code to ensure group homes for both six or fewer and seven or more residents are allowed objectively with approval certainty in all zones that allow residential uses and similar to other residential uses of the same form by end of 2023. | Program 4.4 (page H-136) |

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| | <p>constraint or add a program as appropriate. In addition, the element states “family” is defined as a household, but the element should include the definition of family and/or household to insure it is not a constraint. Lastly, while program 4.4 (Housing Opportunities for Persons with Developmental Disabilities) was added to assess development standards for care facilities, the program must include specific timing and commitment to ensuring group homes for both six or fewer and seven or more residents are allowed objectively with approval certainty in all zones that allow residential uses and similar to other residential uses of the same form.</p> | | |
| 6 | <p><u>Accessory Dwelling Units:</u> The program should be revised to include specific implementation and timing of incentives if ADU assumptions are not met.</p> | <p>Added new subsection “Accessory Dwelling Units” describing Program 2.2 and the dearth of ADU construction historically in Colma under “Development Potential” section:</p> <p>Colma is projecting four accessory dwelling units (ADUs) constructed in the 6th cycle planning period. There were zero ADUs constructed in the prior planning period.</p> <p>ADU construction is rare in Colma because there is very little single-family zoning in the town. The Sterling Park area, zoned for single-family residences, is most conducive to ADU construction but is almost entirely built out with homes that make active use of garage and</p> | <p>New subsection “Accessory Dwelling Units” (page H-69)</p> <p>New action in Program 2.2 (Page H-124)</p> |

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| | | <p>backyard areas. The Town projects four ADUs based on the incentives described in Program 2.2 that could serve to spur ADU construction, particularly if any existing houses are redeveloped in the planning period. The four units are comprised of a single unit at each affordability level (Very Low, Low, Moderate, and Above Moderate Income) based on using the Association of Bay Area Governments' (ABAG) "safe harbor" distribution of 30% Very Low Income, 30% Low Income, 30% Moderate Income, and 10% Above Moderate Income (see "Using ADUs to Satisfy RHNA" Technical Memo published by ABAG on June 14, 2022) on four units with very conservative rounding.</p> <p>Program 2.2 is augmented by a mid-Cycle check-in program that kicks in if no ADU applications are processed by end of 2027.</p> | |
| 7 | <p><u>Address Needs of Extremely Low-Income Households (Program 5.4)</u>: This program was not revised to include implementation actions or results after identified meetings. The program should include specific implementation actions and timing to assist ELI households. Please see HCD's prior review for additional information.</p> | <p>Revise Program 5.4 to include incentives for developers to develop ELI housing:</p> <ol style="list-style-type: none"> 1. Pursuing a Pro-Housing designation through State HCD to allow greater access to funds in support of ELI housing (2024) 2. Amending the zoning code to specify incentives for the development of ELI housing, including identifying opportunities for SROs and permanent supportive housing, priority development processing and flexible development standards. Incentives could include | <p>Program 5.4 (page H-141)</p> <p>Description of incentives used in the past on page H-103</p> |

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| | | <p>reduced fees, streamlined processes, special density bonus or priority for use of Town in-lieu fees to support the production of units for extremely low income households (2025)</p> <p>3. Pursuing an ADU funding program to assist homeowners who agree to place affordability restrictions on their ADU (program research in 2024, establish program pending available funds in 2026)</p> <p>An explanation of incentives provided in the past is provided in the “Planned Development Processes section, on page H-103.</p> | |
| <u>8</u> | <u>Density Bonus Law (Program 3.2)</u> : While the element states the Town is in compliance with State Density Bonus Law, Program 3.2 must include timing of the first update to the ordinance being that it was last updated in 2005. | Updated “Timeframe” cell of Program 3.2 line to say “The first assessment and, if necessary, update will take place by the end of 2023.” | Program 3.2 (page H-127) |
| <u>9</u> | <u>Contributing Factors to Fair Housing Issues</u> : As noted in the prior review, based on the outcomes of a complete analysis, the element must re-assess and prioritize contributing factors to fair housing issues. Please see HCD’s prior review for additional information. | <p>Increased down payment assistance to 3 households by 2028, looking to 4th by 2031 (Table H-41, beginning on page H-65)</p> <p>Added new action for housing rehabilitation:</p> <p>Identify households in Sterling Park in units at risk of falling out of safe habitability via “Windshield Survey” by end of 2024. Proactively connect identified households to rehabilitation grants. Potentially connect to Program 2.2, linking rehabilitation to new ADU as a potential revenue</p> | Table H-41, Action Area 2 (beginning on Page H-65) |

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| | | stream, if suitable and property owner is interested. | |
| <u>10</u> | <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 provide examples of recent development to support assumptions and describe trends and factors. | Augmented “Development Potential” subsection that describes the factors considered in development potential (page H-68). Clarified that Veterans Village is the only multi-family development in Colma over the past 10 years (page H-69). | Updates to “Development Potential” section on pages H-68 and H-69 |
| <u>11</u> | <u>Availability of Infrastructure:</u> While the element was revised to state each site has access to water, sewer, and dry utilities, it must demonstrate sufficient existing supply capacity including availability and access to distribution facilities to accommodate the Town’s RHNA for the planning period. | Expanded analysis of water and sewer capacity in “Infrastructure” sub-section on page H-90, as well as an additional description of the Site Inventory’s specific impact in the On- and Off-Site Improvements section on page H-99. | Updates to “Infrastructure” section on page H-90 and “On- and Off-Site Improvements” on page H-99 |
| <u>12</u> | <u>Local Processing and Permit Procedures:</u> While the element states that the discretion of the planned development (PD) permit allows flexibility, it should still address potential constraints on multifamily developments as noted in the prior review. In addition, the element should describe the development standards and approval process for the new housing overlay as well as the development standards in the mixed-use zones. Lastly, the element states that the Town is not subject to SB 35 streamlining, but HCD data shows that the Town is subject to the 10 percent requirement. Further, conditions may change in the current planning cycle. A program must | Revised Program 3.5 to clarify that Housing Element Overlay District will be approved by Council as part of 2023 zoning code update (page H-129). Clarified on page H-101 and in Program 3.1 (page H-126) that until the Objective Development and Design Standards are established, the Planned Development Process described beginning on page H-101 is in effect. | Updates on page H-101, revised programs 3.1 (page H-126) and 3.5 (page H-129) |

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| | be added to create a streamlined, ministerial approval process pursuant to SB35. | | |
| <u>13</u> | <u>Reasonable Accommodation</u> : While the element references a reasonable accommodation procedure, it must still list approval findings and the approval process for the reasonable accommodation procedure and analyze as a constraint or add a program as appropriate. In addition, the element states “family” is defined as a household, but the element should include the definition of family and/or household to insure it is not a constraint. Lastly, while program 4.4 (Housing Opportunities for Persons with Developmental Disabilities) was added to assess development standards for care facilities, the program must include specific timing and commitment to ensuring group homes for both six or fewer and seven or more residents are allowed objectively with approval certainty in all zones that allow residential uses and similar to other residential uses of the same form. | Revised Program 4.4 (page H-136) to note that both fee and public notice will be removed in 2023 zoning code update. | Program 4.4 (page H-136) |
| <u>14</u> | <u>Water Sewer Priority</u> : This finding was not addressed, please see HCD's prior review for additional information. | Moved up timing of Program 4.7 (page H-139) to be complete by 2025. | Program 4.7 (page H-139) |
| <u>15</u> | <u>Financing</u> : The element must describe and analyze the availability of financing, the price of land, and cost of construction as a potential constraint on housing production. When analyzing the availability of financing, the | A new “Financial Resources to Meet Housing Needs” section can be found beginning on page H-90. | New “Financial Resources to Meet Housing Needs” section on page H-90 |

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| | element could consider other relevant factors such as down payment assistance to lower-income households and homeowner association fees. For additional information, see the Building Blocks at: https://www.hcd.ca.gov/planning-and-community-development/regional-housing-needs-allocation . | | |
| <u>16</u> | <u>Manufactured Homes:</u> The program should be revised to include specific timing to implement the objective standards. | Moved up timing of Program 1.1 (page H-122) to have list by end of 2025 and design standards/outreach by end of 2026. | Program 1.1 (page H-122) |