

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
1	A Review and Revision			
2	<p>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).)</p> <p><u>Special Housing Needs</u>: The element must provide an evaluation of the cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness) and revise programs as appropriate. In addition to evaluating progress or effectiveness of programs to address special needs groups, the element can also discuss the results, success, or lack of, challenges and opportunities from outreach, coordination, application for funding, incentives or other activities and then discuss potential strategies set forth in the current element to meet the need.</p>	Added a section dedicated to the discussion of the effectiveness in addressing special needs including a list of programs from the 5th Cycle that address special needs housing and a list of accomplishments.	Appendix A: Past Accomplishments	Appendix A: Past Accomplishments; A.3 Effectiveness in Addressing Special Needs, page A-24 (redlined version)
3	B Housing Needs, Resources, Constraints			
4	<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>			
5	<p><u>By-Right Permanent Supportive Housing (AB 2162)</u>: Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with these requirements and include programs as appropriate.</p>	Added discussion on the contract with Project Sentinel for fair housing compliance (audits, outreach, information, etc.) City received 6 fair housing complaints with 1 resolved.	Appendix C: Assessment of Fair Housing	Appendix C: Assessment of Fair Housing; C.2 Fairhousing Enforcement and Outreach; Local Trends, page p. C-10 (redlined version)

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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6	<p><u>Patterns and Trends</u>: While the element reports general information and data, it must analyze this data for trends over time, patterns across census tracts, and coincidence with other components of the assessment of fair housing. Moreover, the element must supplement existing data with local data and knowledge and other relevant factors were applicable. Lastly, the element provides an evaluation of fair housing data on a regional basis that is generally limited, comparing only a few fair housing topics within Santa Clara County, and providing no analysis to the surrounding South Bay region. Once complete, the assessment of fair housing must include appropriate programmatic responses to encourage housing mobility and promote new affordable housing opportunities throughout the City, regardless of the regional housing need allocation (RHNA).</p>	Expanded the comparison of Santa Clara County to the Bay Area in each Regional Trend section.	Appendix C: Assessment of Fair Housing	Appendix C: Assessment of Fair Housing; C.3 Integration and Segregation; Race and Ethnicity Regional Trends, page C-17 & 18 (redlined version); Persons with Disabilities Regional Trends, page C-23; Familal Status Regional Trends, page C-26; Household Income Regional Trends, page C-29; C.4 Racially and Ethnically Concentrated Areas of Poverty; Regional Trends, page C-33; Racially/Ethically Concentrated Areas of Affluence Regional Trends, page C-36; C.6 Disproportionate Housing Needs including Displacement Risk; Housing Cost Burden Regional Trends, page C-54; Substandard Housing Regional Trends,page C-57; Overcrowding Regional Trends Regional Trends page C-60
7	<p><u>Racially Concentrated Areas of Poverty (R/ECAPs)</u>: The element mentions that there are no racially concentrated areas of poverty within City; however, the element does provide analysis on distinct areas of poverty/lower income; and identifies two census tracts with 10-40 percent of the population below the poverty line. The analysis should include local data and knowledge to further evaluate patterns and changes overtime at a local (e.g., neighborhood to neighborhood) level and provide appropriate programmatic responses to address ongoing patterns and trends.</p>	Added discussion as to what population are within RECAP areas. Discussed RECAPS disappearing as there is continued investment in neighborhoods, and artificial low income with students.	Appendix C: Assessment of Fair Housing	Appendix C: Assessment of Fair Housing; C.4 Racially and Ethnically Concentrated Areas of Poverty; Regional Trends, page C-33 (redlined version); Local Trends page C-34

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
8	<u>Racially Concentrated Areas of Affluence (RCAA)</u> : The element identified a total of 10 census tracts within City that qualified as RCAA; however, and as mentioned above, element provides limited analysis on the factors that contribute to this outcome. This analysis should utilize local data and knowledge and other relevant factors to achieve a comprehensive analysis. For example, the element could examine past land use practices, investments, quality of life relative to the rest of the City and region and then formulate appropriate programs to promote more inclusive communities and equitable quality of life. For example, the City should consider additional actions (not limited to the RHNA) to promote housing mobility and improve new housing opportunities throughout the City.	Added discussion on the location of RCAA and causation due to redlining. Also added how this may be changing as the City has a high amount of foreign and tech investment (which typically fairly diverse). Added Program 6.3, Middle Housing.	Appendix C: Assessment of Fair Housing	Appendix C: Assessment of Fair Housing; Racially/Ethically Concentrated Areas of Affluence Local Trends, page C-36 & C-37 (redlined version) Chapter 5, Housing Plan, Program 6.3, Middle Housing, page 5-38 (redlined version)
9	<u>Disparities in Access to Opportunity</u> : The element provides datapoints and a general analysis on accesses opportunity including, education, economic, transportation and environmental outcomes; however, the element should analyze these data points for trends and patterns throughout the City, and any concentrations or coincidences with other components of the fair housing analysis. A complete analysis should revise and or provide additional policies and programs that meet the need of each of the components mentioned above.	An additional table was added for further analysis of local and regional access to opportunities. Programs discuss the opprtunities in high resouce areas.	Appendix C: Assessment of Fair Housing Chapter 5 Housing Plan	Appendix C: Assessment of Fair Housing; C.5 Disparities in Access to Opportunity; Table C-6, page C-39 & C-40 (redlined version); Transit Regional Trends, page C-43; Local Trends, page C-44 Chapter 5 Housing Plan; Program 3.1 Fee Waivers and Adjustments; Action B, preparation of an economic feasibility study, page 5-15; Program 3.5 Pedestrian and Transit Oriented Development (PTOD); Action A, discussed housing opportunities in closer proximity to transit, page 5-20); Program 6.3 Middle Housing, page 5-38; Program 6.6 Fair Housing, Action A, provide educational materials in multiple language, page 5-42; Action G, prioritize housing in high resource areas, page 5-43

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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10	<p><u>Disproportionate Housing Needs including Displacement:</u> The element provides some analysis on overcrowding, overpayment, substandard housing, homelessness, and displacement risk; however, the element must analyze the data for local and regional patterns for overcrowding, overpayment, and substandard housing including any identified trends and coincidence with other components of the fair housing assessment. In addition, the element briefly mentions persons experiencing homelessness, but should provide additional information on the need, including impacts and patterns within the City. For instance, the element should examine disproportionate impacts on protected characteristics (e.g., race, disability) and patterns of need, including access to transportation and services. Lastly, the element must describe characteristics of existing “sensitive communities” found on figures C-45 and 46 of the elements.</p>	Added discussion of sensitive communities, opportunities for fair housing with Project Sentinel, and exacerbated conditions for the population.	Appendix C: Assessment of Fair Housing	Appendix C: Assessment of Fair Housing; C.2 Fair Housing Enforcement and Outreach; Local Trends, page C-10 (redlined version), discussion of Project Sentinel and fair housing; C.5 Disparities in Access to Opportunity; Transit Regional Trends, page C-43; Transit Local Trends, page C-44; C.6 Disproportionate Housing Needs, Including Displacement Risk; Displacement Risk Local Trends, page C-63; C.8 Site Inventory; Exacerbated Conditions, page C-69, discusses conditions based on age and race
11	<p><u>Identified Sites and Affirmatively Furthering Fair Housing (AFFH):</u> The element must include data on the location of RHNA sites by income group relative to all fair housing components. The analysis should address the isolation of the RHNA by income group, specifically in the GM and ROLM zones (p. C-86) magnitude of the impact on existing concentrations of socio-economic characteristics and discuss how the sites improve fair housing conditions. The analysis should be supported by local data and knowledge and other relevant factors and programs should be added or modified as appropriate to promote inclusive and equitable communities.</p>	Substantially expanded discussion on the GM/ROLM areas.	Appendix C: Assessment of Fair Housing	Appendix C: Assessment of Fair Housing; C.8 Site Inventory; Isolation of the RHNA, page C-70 (redlined version)

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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12	<u>Local Data and Knowledge and Other Relevant Factors:</u> As noted in the prior findings, the element must supplement the analysis and complement state and federal data with local data and knowledge to capture emerging trends and issues, including utilizing knowledge from local and regional advocates, public comments, and service providers.	Added discussion throughout each local trends section based on knowledge from service providers, public comments, and staff knowledge.	Appendix C: Assessment of Fair Housing	Appendix C: Assessment of Fair Housing; C.2 Fair Housing Enforcement and Outreach; Local Trends, page C-10 (redlined version); C.3 Integration and Segregation Patterns and Trends; Persons with Disabilities Local Trends, page C-24; Familial Status Local Trends, page C-27; Household Income Local Trends, page C-31; C.4 Racially and Ethnically Concentrated Areas of Poverty; Local Trends, page C-34; Racially Concentrated Areas of Affluence Local Trends, page C-36; C.5 Disparities in Access to Opportunity; Transit Local Trends, page C-44 C.6 Disproportionate Housing Needs, including Displacement Risk; Displacement Risk Local Trends, page C-64
13	<u>Contributing Factors:</u> The element identifies many contributing factors to fair housing issues but must prioritize these factors to better formulate policies and programs and carry out meaningful actions to AFFH.	Added new table to discuss programs and priorities related to contributing factors.	Appendix C: Assessment of Fair Housing	Appendix C: Assessment of Fair Housing; C.10 Fair Housing Priorities, Goals, and Actions; Table C-11 Fair Housing Issues, Contributing Factors, and Meaningful Actions, page C-74 (redlined version)
14	2. <i>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).)</i>			

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
15	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).)	Added statistics and further analysis on the affordability of housing for seniors and people with disabilities.	Chapter 2: Housing Needs Assessment	Chapter 2: Housing Needs Assessment; 2.5 Special Needs Groups: Senior Households, page 2-41 (redlined version); Persons with Disabilities, page 2-43
16	<u>Housing Conditions</u> : The element provides some information on age of the housing stock. However, it must estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable organizations.	Added discussion on housing conditions. With the city averaging 75 reconstructions a year (358 units un the past 5 years), it negates need for rehab.	Chapter 2: Housing Needs Assessment	Chapter 2: Housing Needs Assessment; 2.6 Housing Stock Chatacteristics; Housing Age and Conditions/Substandard Housing, page 2-74 (redlined version)
17	<u>Special-Needs Populations</u> : While the element identifies the number of persons experiencing homelessness using a past point in time count (PIP) survey, (pp. 2-72) of the element mentions a more recent PIP conducted on January 24, 2023. The elements analysis and corresponding figures should be updated to reflect the most recent PIP.	Added discussion from the most recently availabe datasets (2019 and 2022) PIT count. 2023 City specific prelim data expected in June.	Chapter 2: Housing Needs Assessment	Chapter 2: Housing Needs Assessment; 2.5 Special Needs Groups; Homelessness in Palo Alto, page 2-55 (redlined version)
18	3 <i>3. 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).)</i>			

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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19	<p><u>Progress toward the RHNA:</u> As you know, the City's RHNA may be reduced by the number of new units built since June 30, 2022; however, the element must demonstrate the affordability of units in the planning period based on actual sales price, rent level, or other mechanisms ensuring affordability (e.g., deed restrictions). While the element includes some information related units in the pipeline listed on Table 3-2 (pp. 3-6, 3-7), it divides the units between below market rate and market rate rather than indicating the actual affordability category (very-low-, low-, moderate-, above moderate- income). In addition, several projects which have units assigned in the below market rate category indicate that there is no restriction. For these projects, the element must indicate how affordability was determined. The element must also discuss availability or likelihood the units will be built in the planning period and should account for any barriers to development, phasing, anticipated build out horizons, market conditions and other relevant factors to demonstrate their availability in the planning period.</p>	<p>Added descriptions of the multifamily applications submitted since 2013 (23 MF applications entitled with 19 receiving building permits). Added analysis on the characteristics of the 4 permits to discover trends. Added clarifications for deed restrictions in Table 2.</p>	Chapter 3: Housing Resources and Opportunities	Chapter 3: Housing Resources and Opportunities; 3.3 RHNA Credits; Entitled and Proposed Developments, page 3-3 & 3-4 (redlined version); Table 3-2 Entitled and Proposed Developments, showing BMR deed restrictions as moderate income
20	<p><u>Realistic Capacity:</u> While realistic capacity assumptions are generally conservative and based on existing or approved residential developments and development trends in the surrounding region, the elements realistic capacity assumptions must still account for all land use controls and site improvements. In addition, residential capacity calculations should account for the likelihood of residential development in zones where 100 percent nonresidential uses are allowed. These assumptions should also go beyond recent approved development and consider additional factors such as, nonresidential performance standards that require residential use, incentives for residential use, market demand, efforts to attract and assist developers, the allowance of 100 percent residential development in nonresidential zones, and local or regional residential development trends in the same nonresidential zoning districts. The element should enhance existing policies and programs based on a complete analysis.</p>	<p>Substantially expanded discussion on realistic development capacity, with a focus on demand for commercial and office uses</p>	Chapter 3: Housing Resources and Opportunities	Chapter 3: Housing Resources and Opportunities; 3.8 Adequacy of Residential Site Inventory in Meeting RHNA; Realistic Development Capacity, page 3-50 through 3-5 (redlined version)

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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21	<p><u>Nonvacant Sites:</u> The element provides several factors that demonstrate the redevelopment potential of nonvacant sites, including factors such as, current, and past development trends, improvement to land value ratios, existing use vs zone use, age of structure, floor area ratio (FAR), proximity to transit, TCAC/HCD designations, and community interest. However, the element must provide additional information on nonvacant sites related to existing uses that may constitute an impediment to additional residential development, past experiences converting existing uses to higher density residential development, current market demand for the existing use, existing leases or contracts that would perpetuate the existing use or prevent additional residential development or other relevant information to demonstrate the potential for redevelopment such as expressed owner and developer interest. Based on a complete analysis the element may need to add or revise programs to facilitate redevelopment. In addition, HCD received several public comment letters regarding the possible existence of additional units on several sites included in the City's site inventory. The City must review and consider the possibility that existing units on nonvacant sites were undercounted. Once complete, existing capacity totals must be adjusted to accurately reflect existing units on identified nonvacant sites.</p> <p>Finally, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period (Gov. Code, § 65583.2, subd. (g)(2)).</p>	<p>Added analysis on commercial and corridor market demand, a statement saying that existing residential units were subtracted from the capacity analysis, and relevant local knowledge related to market demand and past experience of redeveloping nonresidential uses, including limitations on availability and predictive value of lease information.</p> <p>11 of the 16 pipeline projects are mixed use projects on commercial zoned property.</p>	Chapter 3: Housing Resources and Opportunities	Chapter 3: Housing Resources and Opportunities; 3.6 Suitability of Residential Opportunity Sites; Market Demand for Converting Commercial Districts and Corridors to Residential and Mixed-Use, pages 3-23 to 3-25 (redlined version)
22	<p><u>Environmental Constraints:</u> While the element generally describes environmental conditions within the City (pp. 4-77), it must describe any other known environmental constraints or conditions within the City that could preclude development on identified sites in the planning period (e.g., airport compatibility and related land use controls, shape, contamination, easements, overlays).</p>	<p>Added clarifying language about how there are no overlays that preclude development.</p>	Chapter 3: Housing Resources and Opportunities	Chapter 3: Housing Resources and Opportunities; 3.9 Availability of Infrastructure and Environmental Constraints; Environmental Constraints, page 3-54 (redlined version)

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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23	<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)).	Added section stating the inventory complies with AB 725.	Chapter 3: Housing Resources and Opportunities	Chapter 3: Housing Resources and Opportunities; 3.8 Adequacy of Residential Site Inventory in Meeting RHNA; Compliance with Assembly Bill 725, page 3-54 (redlined version)
24	<u>City-Owned sites</u> : While a brief analysis on city-owned parking lots (pp. 3-43) is included in the element, the analysis should discuss the status, anticipated steps for development including disposition, any known barriers to development and other relevant factors to development in the planning period. Based on a complete analysis, the element should add or modify programs to comply with the Surplus Land Act, commit to numerical objectives, including affordability, aligned with assumptions in the inventory and a schedule of actions to facilitate development. A schedule of actions may include coordination with appropriate entities, including potential developers, disposition of the land, zoning, funding, facilitating other entitlements and issuing permits. Lastly, the program should identify and make alternative sites with zoning of equivalent capacity and density by a specified date if sites are not made available by a date early in the planning period.	Added discussion on the City's progress for parking lot sites. The City has issued RFI for parking lot, they have received two applications from AH developers. Completion schedule is dependent issuance of RFP and selected proposal, but the process is underway.	Chapter 3: Housing Resources and Opportunities	Chapter 3: Housing Resources and Opportunities; 3.7 Site Inventory Strategies; City-Owned Parking Lots, page 3-38 (redlined version)
25	<u>Availability of Infrastructure</u> : While the element describes minor upgrades to water and sewer hookups may be required to support development of select sites, it should clarify sufficient existing or planned water and sewer capacity to accommodate the City's regional housing need. Currently, the analysis on (pp. 3-57) is unclear. For your information, water and sewer service providers must establish specific procedures to grant priority 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.	Added clarifying language in Chapter 3 and added sewer to Program 5.3.	Chapter 3: Housing Resources and Opportunities Chapter 5: Housing Plan	Chapter 3: Housing Resources and Opportunities; 3.9 Availability of Infrastructure and Environmental Constraints; Wet and Dry Utilities, page 3-54 (redlined version) Chapter 5: Housing Plan; Program 5: At-Risk Housing; Program 5.3: Water and Sewer Suppliers, page 5-34

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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26	<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 https://www.hcd.ca.gov/communitydevelopment/housing-element/index.shtml#element for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.	Rincon to electronically upload site inventory for resubmittal.	N/A	N/A
27	Zoning For a Variety of Housing Types			
28	<u>Emergency Shelters</u> : The element currently identifies the Research, Office, and Limited Manufacturing-Embarcadero (ROLM(E)) district as suitable to accommodate emergency shelters. However, the element should clarify if emergency shelters are allowed in this zone by-right and without discretionary action. In addition, the element should list development standards and identify reuse, and redevelopment opportunity. Lastly, the element should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions appropriate for human habitability.	Added discussion of transit stops located near emergency shelters (EPA services and coordination with VTA on new transit lines) and listed development standards.	Chapter 4: Housing Constraints	Chapter 4: Housing Constraints; 4.2 Governmental Constraint; Emergency Shelters, pages 4-39 through 4-41 (redlined version)
29	<u>Accessory Dwelling Units (ADU)</u> : Please refer to HCD's letter related to ADU requirements sent on December 21, 2022.	Added description clarifying that HCD's letter regarding ADUs and ordinance updates to incorporate HCD feedback is going to Council on May 15.	Chapter 4: Housing Constraints	Chapter 4: Housing Constraints; 4.2 Governmental Constraint; Accessory Dwelling Units, page 4-38 (redlined version)
30	<u>Transitional and Supportive Housing</u> : Transitional housing and supportive housing must be permitted 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. Currently, the element mentions that supportive and transitional housing will be allowed in additional zones (pp. 4- 36, 4-37); however, referencing (Table 4-3A) on (pp. 4-22) the City has several additional zones (i.e., AMF, MUO) that would also have to allow transitional and supportive housing as a residential use and subject only to those restrictions that apply to residential dwelling of the same type in the same zone.	Added zones that support transitional and supportive housing, and added verbiage in form of actions in Program 6.5 Alternative Housing.	Chapter 4: Housing Constraints Chapter 5: Housing Plan	Chapter 4: Housing Constraints; 4.2 Governmental Constraint; Supportive Housing, page 4-39 (redlined version); Transitional Housing, page 4-39 Chapter 5 Housing Plan; Program 6 Fair Housing; Program 6.5 Alternative Housing, Actions C through H, amending the PAMC for groups of 7 or more persons, supportive housing, emergency shelters and navigation centers, and employee housing, page 5-40

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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31	<u>By-Right Permanent Supportive Housing (AB 2162)</u> : Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with these requirements and include programs as appropriate.	Added verbiage in form of actions in Program 6.5 Alternative Housing	Chapter 5 Housing Plan	Chapter 5: Housing Plan; Program 6 Fair Housing; Program 6.5 Alternative Housing Action D through Action Hamending the PAMC for groups of 7 or more persons, supportive housing, emergency shelters and navigation centers, and employee housing, page 5-40 (redlined version)
32	<u>Manufactured Housing</u> : Manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stickbuilt structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards as a conventional single-family residential dwelling. The element must demonstrate consistency with this requirement or add or modify programs as appropriate.	Added City regulations and identified compliance with state law.	Chapter 4 Housing Constraints	Chapter 4: Housing Constraints; Section 4.2 Governmental Constraints; Page 37 (redlined version)
33	<u>Farmworker Housing</u> : 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. Currently, the element is unclear on whether the City complies with state law in accordance to Health and Safety Code 17021.6. In addition while the element mentions amending the City's code to comply with 17021.6, Program 6.5 fails to mention commitments to do so during the planning period .For additional information and sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-andcommunity-development/housing-elements/building-blocks/farmworkers .	Added clarification stating that there is currently no need for farmworker housing in the City due to a low population in the City. Furthermore, program verbiage was added to amend the PAMC per the government code for farmworker housing	Chapter 4 Housing Constraints, Chapter 5 Housing Plan	Chapter 4: Housing Constraints; Section 4.2 Governmetal Constraints; Page 43 (redlined version) Chapter 5: Housing Plan; Program 6.5 Alternative Housing; Action H, discusses amending the PAMC per the government code for farmworker housing
34	<i>4. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)</i>			

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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35	<u>Land Use Controls:</u> The element must identify and analyze the impact of all relevant land use controls as potential constraints on a variety of housing types in all zones that allow residential uses. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should address any impacts on cost, supply, housing choice, feasibility, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints. The analysis must specifically describe and analyze, minimum lot area coverage, height limits, setbacks, and floor area ratios (FAR). Lastly, the element must describe and analyze parking requirements in all zones that allow residential uses.	Substantially expanded discussion on land use controls in the City including the addition of visuals and graphics to support the analysis	Chapter 4 Housing Constraints	Chapter 4: Housing Constraints; Section 4.2 Governmental Constraints; Page 28 (redlined version)
36	<u>Fees and Exaction:</u> While the element describes required fees for single family and multifamily housing developments, including impact fees, on (pp. 4-66) the element states that impact fees/capacity fees are considered the highest in the County. In addition, on (pp. 4-67) the City recognizes that current planning/permitting and development fees add substantial cost to residential development. The element should provide a comprehensive analysis assessing all required fees and their proportion to the development costs for both single family and multifamily housing. In addition, the element could also provide information on how the city provides financial assistance to affordable housing developments. Based on a complete analysis, the City should provide additional policy and programs to mitigate the cost and impact of required fees on residential development.	Expanded discussion including example projects were added to the Fees and Exactions section in the Housing Constraints Chapter. Additionally language and commitments were added to several programs aiming to reduce barriers to affordable and alternative types of housing.	Chapter 4 Housing Constraints, Chapter 5 Housing Plan	Chapter 4: Housing Constraints; Section 4.2 Governmental Constraints; Page 61 (redlined version) Chapter 5: Housing Plan; Programs 2.1 Affordable Housing Development, 3.1 Fee Waivers and Adjustments, 3.6 ADU Facilitation, 6.5 Alternative Housing
37	<u>Density Bonus Law:</u> The element must clarify compliance with current State Density Bonus Law (SDBL) including amendments enacted January 1, 2023. In addition, the element must list and analyze fees associated to SDBL as a potential constraint on housing.	Added discussion based on 2023 SDBL adjustments to Density Bonus Provisions discussion in the Housing Constraints chapter.	Chapter 4 Housing Constraints	Chapter 4: Housing Constraints; Section 4.2 Governmental Constraints; Page 73 (redlined version)
38	<u>Zoning and Fee Transparency:</u> The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1(a)(1).	Added additional discussion on where to find development standards on the City website, zoning code, fees, etc.	Chapter 4 Housing Constraints	Chapter 4: Housing Constraints; Section 4.2 Governmental Constraints; Page 61 (redlined version)

Palo Alto Response Matrix to HCD Comment Letter, April 2023

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39	<u>Local Processing and Permit Procedures:</u> HCD has received several public comments related to the local permit process that have indicated a complex, untimely, and cumbersome process with little certainty to applicants. While the element includes information on permit process and processing time frames that range from 90 to 365 days, a complete analysis must evaluate the processing and entitlement procedures for potential constraints on housing supply, cost, timing, financial feasibility, approval certainty and ability to achieve maximum densities. Specifically, the element must describe the procedures for a typical single-family and multifamily development. As most projects require discretionary approvals, the analysis must describe the decision-making framework for discretionary approvals related to all permits and entitlements, including but not limited to building permits, major architectural review board, conditional use permits (CUPs), context-based design criteria, rezone procedures, planned home zoning, site plans, environmental review, etc. The analysis must include the approval bodies, the number of public hearings, the actual approval findings, and all relevant information. Based on the outcomes of a complete analysis, the element must add or modify programs as appropriate. Finally, the element should discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.	Substantial revisions were made under the Development Review Process section. Additional discussions were added on multi-family housing, architextural review, conditional use permits, and the Permit Streamlining Act.	Chapter 4 Housing Constraints	Chapter 4: Housing Constraints; Section 4.2 Governmental Constraints; Page 49-61 (redlined version)
40	<u>On/Off-Site Improvements:</u> The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability.	Added a discussion on the City's current subdivision requirements and provided a link to where the City's most up to date subdivision requirements can be found.	Chapter 4 Housing Constraints	Chapter 4: Housing Constraints; Section 4.2 Governmental Constraints; Page 71 (redlined version)
41	<u>Codes and their Enforcement:</u> While the element describes the City's current building code, it must describe the City's building and zoning code enforcement processes and procedures, including whether code enforcement is targeted or complaint based, and analyze their impact as potential constraints on housing supply and affordability.	Added additional discussion on the City's code enforcement program including annual statistics and its low potential to pose a constraint to housing.	Chapter 4 Housing Constraints	Chapter 4: Housing Constraints; Section 4.2 Governmental Constraints; Page 72 (redlined version)

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
42	<u>Local Ordinances:</u> The element must specifically analyze locally adopted ordinances such as inclusionary ordinances or short-term rental ordinances that directly impact the cost and supply of residential development. In addition, the element should further analyze the Retail Preservation Ordinance and clarify whether any sites in the element are currently within the boundaries of the ordinance. Lastly, HCD received public comment on the City's Tree Protection Ordinance, the element must provide analysis on this recently adopted ordinance (July 21, 2022) and should evaluate any impacts on the development of housing and the City's ability to meet the RHNA.	Added new expanded discussions on the City's Retail Preservation Ordinance and Tree Protection Ordinance including their respective requirements. Refined City's RPO program objectives under Program 3.4 HIP.	Chapter 4 Housing Constraints, Chapter 5 Housing Plan	Chapter 4: Housing Constraints; Section 4.2 Governmental Constraints; Retail Preservation Ordinance/Tree Protection Ordinance - Page 47-49(redlined version)
43	5 <i>5. An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)</i>			
44	<u>Developed Densities and Permit Times:</u> The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.	Additional discussions were added on overall processing times and procedures, time it takes from entitlement to building permit, processing procedures broken down by different densities (i.e. multi-family housing).	Chapter 4 Housing Constraints	Chapter 4: Housing Constraints; Section 4.1 Non-Governmental Constraints; Page 8-9, 50-51 (redlined version)
45	6 <i>6. 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).)</i>			

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
46	<p>Table 2-39 on (pp. 2-100) of the element identifies the total number of units at-risk of conversation during the planning period. However, according to HCD records received from the California Housing Partnership (http://www.chpc.net) additional properties may be at-risk including Oak Park Manor (630 Los Robles Ave) and California Park Apartments (2301 Park Blvd). If units are identified as at-risk, the analysis must include the following:</p> <ul style="list-style-type: none"> • Listing of each development by project name and address. • Type of governmental assistance received and the earliest date of change from low-income use. • Total number of units for senior vs. non-senior residents. • Estimated total cost for producing, replacing, and preserving the at-risk units. • Identification of public and private nonprofit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units. • Identification and consideration of use of federal, state, and local financing and subsidy programs. 	Added additional discussion clarifying that neither project mentioned by HCD are at risk. Oak Park expires in 2033 and Cal Park was developed in 1990 with TC which have 55 year restrictions.	Chapter 2 Housing Needs Assessment	Chapter 2: Housing Needs Assessment; Section 2.6; Housing Stock Characteristics; Pages 74-77 (redlined version)
47	C Housing Programs			
48	<p>1 <i>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 Element. (Gov. Code, § 65583, subd. (c).)</i></p>			

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
49	To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, programs must have discrete timing (e.g., at least annually or by 2025) and specific commitment to housing outcomes and refrain from language such as “consider” while also having discrete timing (e.g., at least annually or by January 2024). Examples of programs to be revised with discrete timing include Program 1.5 (Stanford University Lands), Program 3.1 (Monitor constraints on housing), 2.1 (Affordable Housing developments), Program 3.5 (Pedestrian and Transit Oriented Development), Program 3.8 (Objective Design Standards for SOFA), Program 6.1 (Housing for Special Needs) Program 6.2 (Multi-Family Housing & Large Units). Examples of programs to revised with specific commitments Program 1.4 (City Owned Land Lots), Program 1.6 (Lot Consolidation), Program 3.1 (Fee Waivers and Adjustments), Program 3.3 (Affordable housing development incentives), Program 3.4 (Housing Incentives Program (HIP)), Program 3.6 (Accessory Dwelling Unit Facilitation), Program 3.7 (Expedited Project Review), 4.2 (Housing and Neighborhood Preservation), Program 4.3 (Home Rehabilitation), Program 5.1 (At Risk Preservation, Program 5.2 (Funding Partnerships), Program 6.3 (Mixed use Development) Program 6.5 (Alternative Housing) Program 6.6 (Affirmatively Furthering Fair Housing).	Revised program timelines for most programs including all programs flagged in the HCD with additional programs being revised as well. Timelines were shifted up in most cases to prioritize accomplishing actions in the first half of the planning period.	Chapter 5 Housing Plan	Chapter 5: Housing Plan; Programs 1.4 City Owned Land Lots, 1.5 Stanford University Lands , 1.6 Lot Consolidated , 2.1 Affordable Housing Development, 3.1 Fee Waivers and Adjustments , 3.3 Affordable Housing Development Incentives, 3.5 Pedestrian and Transit Oriented Development, 3.6 Accessory Dwelling Unit Facilitation, 3.7 Expedited Project Review, 3.8 Objective Design Standards for SOFA, 3.9 Zoning Ordinance Monitoring, 3.10 Conversion of Commercial Uses to Mixed Use Development, 4.1 Replacement Housing, 4.2 Housing and Neighborhood Prevention , 4.3 Home Rehabilitation, 5.1 Prservation of At Risk Housing , 5.2 Funding Opportunities, 6.1 Housing for Persons with Special Needs, 6.2 Family Housing and Large Units, 6.3 Middle Housing Program, 6.4 Homelessness Program, 6.5 Altnerative Housing, 6.6 Fair Housing
50	2. <i>Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)</i>			

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
51	As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.	No additional changes pertaining to site programs were made due to no substantial changes in the inventory that would warrant further revisions.	Chapter 5 Housing Plan, Appendix D Site Inventory	N/A
52	In addition, Program 6.5 (Alternative Housing) should specifically commit to allowing emergency shelters without discretionary action, with appropriate development standards in compliance with statutory requirements.	Added verbiage under Program 6.5 Alternative Housing to include State requirement for Emergency Shelters and proper permitting.	Chapter 5 Housing Plan	Chapter 5 Housing Plan; Program 6.5 Alternative Housing; Action G
53	3 <i>3. The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate income households. (Gov. Code, § 65583, subd. (c) (2).)</i>			

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
54	Several actions commit to “partner”, “explore”, “encourage” housing. While these efforts are important and meaningful, these efforts should be complimented by additional steps that lead to housing outcomes. For example, Program 6.2 (Multi-Family Housing and Large Units) should set forth clear commitments in implementing incentives for larger units. This is only one example of several programs that will need to include clear and specific commitment to identify affordable development opportunities, grant incentives, assist with funding, and process entitlements on an annual basis. Programs should also commit to a numerical target and evaluate and adjust efforts as necessary every other year.	Removed words such as "explore" and "consider" and replaced with more definitive vocabulary such as "implement" and/or "establish" throughout all of the programs. Objectives were added to Program 6.2 Multi-family Housing and Large Units to set clearer objectives of programs. All programs were revised in some way to clarify and make tangible commitments through their respective objectives including numerical targets and more specific timelines.	Chapter 5 Housing Plan	Chapter 5 Housing Plan; Programs 1.3 Sites Used In Previous Housing Cycle, 1.4 City Owned Land Lots, 1.5 Stanford University Lands , 1.6 Lot Consolidated , 2.1 Affordable Housing Development, 2.2 Below Market Rate Program 3.1 Fee Waivers and Adjustments , 3.3 Affordable Housing Development Incentives, 3.5 Pedestrian and Transit Oriented Development, 3.6 Accessory Dwelling Unit Facilitation, 3.7 Expedited Project Review, 3.8 Objective Design Standards for SOFA, 3.9 Zoning Ordinance Monitoring, 3.10 Conversion of Commercial Uses to Mixed Use Development, 4.1 Replacement Housing, 4.2 Housing and Neighborhood Prevention , 4.3 Home Rehabilitation, 5.1 Prservation of At Risk Housing , 5.2 Funding Opportunities, 6.1 Housing for Persons with Special Needs, 6.2 Family Housing and Large Units, 6.3 Middle Housing Program, 6.4 Homelessness Program, 6.5 Altnerative Housing, 6.6 Fair Housing
55	4. 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).)			

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
56	<p>As noted in Finding B4 and B5, 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> <ul style="list-style-type: none"> • Program 3.4 (Housing Incentives Program): The Program should specifically commit to reduce parking requirements and establish creative alternatives (beyond aligning parking requirements with required State Density Bonus Law requirements). • Program 6.5 (Alternative Housing): The Program should clearly commit to allow group homes for seven or more persons in all residential zones. For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. Please refer to HCD's Group Home Technical Advisory https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/grouphome-technical-advisory-2022.pdf. 	<p>Clarified Program 3.4 to indicate firm commitment to reduction in parking requirements and commit to additional changes in development standards based on study - including further reduction in parking. <u>City note:</u> Other creative alternatives cannot be fully defined prior to such study, nor are they required to meet the City's RHNA, as evidenced by the updated analysis of land use constraints. However, feasibility studies mentioned in the program are already underway.</p> <p>Clarified Program 6.5 to include State requirement for group homes of seven or more persons.</p>	Chapter 5 Housing Plan	Chapter 5 Housing Plan; Programs 3.4 HIP, 6.5 Alternative Housing
57	<p>5 <i>5. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)</i></p>			
58	<p>As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues.</p>	<p>Added new actions under Program 6.1 related to AFFH contributing factors.</p> <p>Programs linked to the highest priority contributing factors include: Program 1.1, 3.4, 6.1, 6.2, 6.6, and 6.7</p>	Chapter 5 Housing Plan	Chapter 5 Housing Plan; Programs 1.1 Adequate Sites Program, 3.4 Housing Incentive Program, 6.1 Housing for Persons with Special Needs, 6.2 Family Housing and Large Units, 6.6 Fair Housing, 6.7 Community Outreach Program

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #		HCD Comment	Response to Comment	Chapter	Section
59		<p><u>Goals, Priorities, Metrics, and Milestones:</u> Goals and actions must significantly seek to overcome contributing factors to fair housing issues and must include quantifiable metrics and milestones for evaluating progress on programs, actions, and fair housing results. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numeric objectives and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.</p>	<p>Specific actions were made to programs intending to support fair housing and development in all neighborhoods. Added verbiage encouraging and prioritizing the production of affordable housing and multi-family units in moderate-resources areas. Discussed place based strategies to improve lower resource areas Added verbiage regarding Density Bonus and increasing bonus and concessions for housing that supports special needs populations and housing affordability.</p>	<p>Chapter 5 Housing Plan, Appendix C Fair Housing</p>	<p>Chapter 5 Housing Plan; Specific actions intended to support fair housing and development in all neighborhoods: - Program 6.2 Multi-family Housing and Large Units prioritizes the production of affordable housing and multi-family units in moderate-resources areas - Program 3.6 related to supporting ADU development Place based strategies to improve lower resource areas include: - Program 4.3 & related Actions to support home rehabilitation - Program 4.2 Action B & related Actions to support residential rental inspections - Program 2.2 Below Market Rate, Program 3.3 Affordable Housing Incentives, Program 6.1 Housing for Persons with Special Needs and related Actions supporting increased bonus and concessions for housing that supports special needs populations and housing affordability. Appendix C Fair Housing, Section C.6 pg. 53. (redlined version)</p>
60	D	Quantified Objectives			
61	1	<p>1. Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)</p>			

Palo Alto Response Matrix to HCD Comment Letter, April 2023

Row #	HCD Comment	Response to Comment	Chapter	Section
62	The element must include quantified objectives for new construction, rehabilitation, and conservation by income group. In addition, conservation objectives should not be limited to atrisk preservation and can include broader efforts to conserve the existing housing stock such as code enforcement programs, rental assistance or housing choice vouchers, weatherization, tenant protections, and mobile home park preservation ordinances.	Added Quantified Objectives section in Chapter 5 Housing plan.	Chapter 5 Housing Plan	Chapter 5 Housing Plan