

# ATTACHMENT XIII

#	Comment	HCD Response	Section	Location
A.1.1	<p><b>Extremely Low-Income Households (ELI):</b> The element includes some basic information regarding ELI households such as the number of households. However, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element should analyze tenure, cost burden and other household characteristics, compare those characteristics to other income and special needs groups then examine the availability of resources to determine gaps in housing needs. Finally, the element should examine the success of past efforts and formulate an appropriate programmatic response given the magnitude of the need.</p>	Added a discussion on Extremely Low-Income households in Hayward, including specifics pertaining to familial status, seniors, and different racial/ethnic groups.	Appendix B - Housing Needs Assessment	Section 1.6.5
A.2.1	<p><b>Fair Housing Enforcement and Capacity:</b> The element should discuss how the City complies with existing fair housing laws and regulations, any past fair housing lawsuits, consent decrees or other related legal matters.</p> <p><b>Disproportionate Housing Needs:</b> The element includes some general information on persons experiencing homelessness and housing conditions but should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For homelessness, the element should examine disproportionate impacts on protected characteristics (e.g., race, disability) and patterns of need, including access to transportation and services. For housing conditions, the element should discuss any areas of potentially higher needs of rehabilitation and replacement. The element may utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis.</p>	Added a discussion on compliance with fair housing laws. As of 2011, the City does not have any past fair housing lawsuits, consent decrees or other related matters.	Appendix F - Fair Housing Assessment	Section 4.2 & Section 10.1
A.2.2	<p><b>Affirmatively Furthering Fair Housing (AFFH) and Sites Inventory:</b> The element includes some data regarding the regional housing need allocation (RHNA) by income group and areas of the City. However, the element should analyze that data, including relationships with other components of the assessment of fair housing (e.g., segregation and integration, disproportionate housing needs) to support conclusions and guide an appropriate programmatic response. Specifically, utilizing Table F-2, the element should analyze how the RHNA by income group impacts the number of existing households and socio-economic characteristics. For example, the element could examine the absence of the lower-income RHNA in some areas of the City and concentration in other areas such as the Mission Boulevard Area relative to higher concentrations of lower-income households. Then, the element could formulate appropriate response such as place-based strategies toward community revitalization and improvement of housing mobility.</p>	Added a discussion on local trends of individuals experiencing homeless, including disproportionate need on protected characteristics. Added a discussion of local knowledge pertaining to housing conditions.	Appendix F - Fair Housing Assessment	Section 8.4 (homelessness), Section 8.1 (housing conditions)
A.2.3	<p><b>Other Relevant Factors:</b> The element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use and investment practices or other information and demographic trends. Other relevant factors should complement the state and federal data and complete an analysis.</p>	Added a discussion breaking down existing households, sites, and AFFH indicators by census tract and discussed impacts to fair housing. Historic investment practices discussed in section 10.1. Added further discussion on the history of Clatrans 238 parcels, Hayward's involvement with the Government Alliance on Race and Equity and the inclusion of racial equity lens in all City-related work, including housing policies and programs.	Appendix F - Fair Housing Assessment	Section 11.8
A.2.4	<p><b>Contributing Factors to Fair Housing Issues:</b> Based on the outcomes of a complete analysis, the element must list and prioritize contributing factors to fair housing issues. Contributing factors should result in strategic approaches to inform and connect analysis, goals and actions to address and mitigate fair housing issues.</p>	Contributing factors placed in order of priority on Table F-3.	Appendix F - Fair Housing Assessment	Section 12
A.3.1	<p><b>Progress in Meeting the RHNA:</b> The City's RHNA may be reduced by the number of new units built, approved, or pending since June 30, 2022; however, the element must demonstrate their availability in the planning period. Availability should address the status, anticipated completion, any barriers to development and other relevant factors such as build out horizons, phasing, and dropout rates to demonstrate the availability or likelihood of development in the planning period.</p> <p><b>Suitability of Nonvacant Sites:</b> The element must include a description of identified sites and their existing uses and include an analysis demonstrating the potential for additional development on nonvacant sites. The element should analyze the extent that existing uses may impede additional residential development. The element explains that various factors were utilized to identify sites with potential for redevelopment such as improvement to land value ratio and also discusses some recent trends. However, the element should relate recent trends to the various factors to better support their validity. For example, the element could list the prior improvement to land value and other factors for pending and approved projects. In addition, the element mentions the factors but does not explain the threshold or reflect the value of the factor on identified sites. For example, the element mentions the improvement to land value, but not which ratio was utilized and does not list the value for each of the sites.</p>	Added discussion stating that all units in the Pipeline are anticipated to develop during the planning period. Added estimated completion dates to Table C-3. Discussed City's development history of low drop out rates and potential barriers.	Appendix C - Housing Resources	Section 1.1.2
A.3.2	<p><b>Publicly-Owned Sites:</b> The element must include additional discussion on each of the publicly-owned sites identified to accommodate the RHNA, including the BART sites. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses, any known conditions that preclude or could promote development in the planning period, status, and potential schedule for development. Based on this analysis, the element should add or modify programs. Programs should include a schedule of actions to facilitate development in the planning period in stride with assumptions in the inventory such as numerical objectives, compliance with the Surplus Land Act, outreach with developers or property owners, removing barriers to development, issuing requests for proposals, incentives, fee waivers, priority processing and financial assistance.</p>	Specified thresholds for each site selection indicator (ILV, existing uses, FAR, ownership patterns). Added Table C-13 which shows characteristics of pipeline projects and compared to sites. Revised unit totals to reflect updates to pipeline projects and removal of one site. Added FAR values to sites inventory.	Appendix C - Housing Resources	Section 1.2.1 and 1.3.1
A.3.3	<p><b>Small and Large Sites:</b> Sites smaller than a half-acre and larger than ten acres in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower income housing. If the City is utilizing small or large sites, the element must include analysis and programs as appropriate to demonstrate the suitability of these sites.</p>	Added discussion of publicly owned sites including a schedule of actions to facilitate affordable development.	Appendix C - Housing Resources & Housing Plan	Section 1.2.1 (Appendix C) & Program H-8 (Housing Plan)
A.3.4	<p><b>Infrastructure:</b> The element should clarify that the City has sufficient existing and planned total water and sewer capacity to accommodate the RHNA. In addition, 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. While the element explains the City will deliver the element to water and sewer providers, it should also describe whether the City has specific procedures to grant priority or add or modify programs to establish a written procedure by a date early in the planning period.</p>	No sites larger than 10 acres were used for lower-income units. Clarified that there are two instances of assumed lot consolidation on parcels with common ownership that would yield over 50 units.	Appendix C - Housing Resources	Section 1.2.1
A.3.5	<p><b>Infrastructure:</b> The element should clarify that the City has sufficient existing and planned total water and sewer capacity to accommodate the RHNA. In addition, 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. While the element explains the City will deliver the element to water and sewer providers, it should also describe whether the City has specific procedures to grant priority or add or modify programs to establish a written procedure by a date early in the planning period.</p>	Updated the Resources Section to clarify that the 2020 UWMP which is updated every five years is based on General Plan land use assumptions which are the same assumptions used in the Housing Element. City of Hayward is the water and wastewater provider for 97% of the City and shows capacity except in dry years. Per State Law, the City also has a Water Shortage Contingency Plan and a robust recycled water program and water conservation plan as described in Appendix C. Added action 4.6 to prioritize lower-income developments.	Appendix C - Housing Resources & Housing Plan	Section 1.4 (Appendix C) & Program H-4, Action 4.6 (Housing Plan)

A.3.6	<p><b>Environmental Constraints:</b> While the element mentions various environmental conditions, it should also discuss whether those conditions impact or preclude development on identified sites. This discussion should address any other known conditions and impacts on identified sites (e.g., shape, easements, conditions, airport and other compatibility).</p>	<p>Updated Section 1.5 to identify which sites have environmental constraints and how those constraints are addressed through current City regulations.</p>	Appendix C - Housing Resources	Section 1.5
A.3.7	<p><b>Electronic Sites Inventory:</b> 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.</p>	<p>The City will comply with this.</p>		
A.3.8	<p><b>Emergency Shelters:</b> The element should clarify if by right is without discretionary action, discuss acreage such as typical parcel sizes, potential for a shelter including reuse, proximity to transportation and services and areas/sites are not in areas unfit for human habitation (discuss other allowed uses). Also, the element should list and analyze development standards and analyze whether parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.</p>	<p>Updated Table D-13 to show that Emergency Shelters are permitted by right in Industrial Districts on publicly owned land and in the MB-CN and MB-NN District and with a use permit in the CG districts. Pg. 25-26 includes text clarifying that Emergency Shelter and Homeless Shelter are permitted "by right" in certain zones and provides acreage and number of parcels available for shelter use. Added Action 24.6 to modify Zoning Ordinance modifications to parking regulations. Added clarifying language that Low Barrier Navigation Center is synonymous with homeless and emergency shelter in the Hayward Municipal Code and that the uses are permitted by right in certain districts. Added actions to Program H-13 to include amending the Zoning Ordinance to be compliant with Assembly Bill 101 which allows such uses as a by right use in areas zoned for mixed use and non-residential zones that allow multi-family uses under specific circumstances.</p>	Appendix D - Housing Constraints, Chapter 7 - Housing Plan	Page 25 and 26 (Appendix D), Program H-13 (Housing Plan)
A.3.9	<p><b>Low Barrier Navigation Centers:</b> The element should clarify that by right or permitted uses are permitted without discretionary action and which zones allow the uses in compliance with Government Code section 65661 or add or modify programs.</p>	<p><a href="https://abag.ca.gov/technical-assistance/low-barrier-navigation-center-resources">https://abag.ca.gov/technical-assistance/low-barrier-navigation-center-resources</a></p>	Appendix D - Housing Constraints, Chapter 7 - Housing Plan	Page 25 (Appendix D), Program H-13 (Housing Plan)
A.3.10	<p><b>Employee Housing Act:</b> The element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 which 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. Based on the outcomes of this analysis, the element should add or modify programs.</p>	<p>Added action to Program H-13 to evaluate the permit process for group homes of 7 or more persons and amend the HMC to set objective standards.</p>	Chapter 7 - Housing Plan	Program H-13
A.3.11	<p><b>Permanent Supportive Housing:</b> 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 this requirement and include programs as appropriate.</p>	<p>Added action to Program H-13 to amend HMC to allow Supportive Housing as a by-right use where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651.</p>	Chapter 7 - Housing Plan	Program H-13
A.4.1	<p><b>Land Use Controls:</b> The element must identify and analyze all relevant land use controls impacts independently and cumulatively for impacts on housing supply (number of units), costs, feasibility and ability to achieve maximum densities. For example, the analysis should address heights, setbacks, floor area ratios, lot coverages and parking and add specific commitment to address constraints.</p>	<p>Added an analysis of development standards including density, lot standards, height limits, and open space requirements.</p>	Appendix D - Housing Constraints	Page 37
A.4.2	<p><b>Fees and Exaction:</b> While the element includes some general discussion of fees, it should list and analyze all planning fees (e.g., general plan amendments, subdivisions, rezones, planned developments, variances, and conditional use permits (CUPs)). In addition, the element should list and analyze all impact fees for cumulative impacts (e.g., fees per unit) on typical single family, multifamily and other housing development as appropriate.</p>	<p>Added details for all fees, including fees per unit for different housing development prototypes.</p>	Appendix D - Housing Constraints	1.3.6
A.4.3	<p><b>Processing and Permit Procedures:</b> The element should describe and analyze the total permit and entitlement process for a typical single-family unit and multifamily development. The analysis should address typical processes for a development that complies with zoning, time to complete entitlements, decision-making body, number of hearing and approval findings. The analysis should address impacts on cost, timing, feasibility and approval certainty. The analysis should also specifically address the site plan review and major site plan review and list and evaluate approval findings for impacts on housing costs, supply and approval certainty. In addition, the Planned Development process should be evaluated as a potential constraint, including whether the process is required, presence or lack of fixed development standards and any other relevant factors for impacts on housing cost, timing, feasibility and approval certainty.</p>	<p>Added procedures for each permit including time frame, required hearings, findings, and cost.</p>	Appendix D - Housing Constraints	Section 1.3.7
A.4.4	<p><b>Housing for Persons with Disabilities:</b> The element describes the City currently has a procedure for requesting and granting a reasonable accommodation for persons with disabilities; however, the element should also describe and evaluate approval findings and the process for providing reasonable accommodations. The analysis should specifically address findings that resemble CUP findings (e.g., impacts on surrounding uses). The element should also include an evaluate the definition of family used in zoning and land use. In addition, the City should clarify where and how group homes of seven or more persons are permitted and, based on this analysis, add or modify programs with specific commitment to revise zoning and procedures to permit with objective standards to facilitate approval certainty similar to other residential uses.</p>	<p>Added definition of family as defined by the City. Added to Program H-13 to evaluate and, if necessary, modify, permit process for 7+ group homes.</p>	Appendix D - Housing Constraints, Chapter 7 - Housing Plan	1.3.9 (Appendix D), Program H-13 (Housing Plan)
A.5.1	<p><b>Identified Densities and Approval Times:</b> The element must address requests to develop housing at densities below those anticipated in the sites inventory and the length of time between receiving approval for housing development and submittal of application for building permits. The analysis must address any hinderances on housing development and programs should be added as appropriate.</p>	<p>Discussion of housing development at densities below those anticipated in Housing Element; and, added discussion relating to processing timelines.</p>	Densities addressed in Appendix C; and submittal of building permits addressed in Appendix D - Housing Constraints	Section A.5.1 (Appendix C) and Page 63 (Appendix D)
A.6.1	<p><b>Energy Conservation:</b> The element must include a description of opportunities for energy conservation, including past efforts to better formulate appropriate policies and programs. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.</p>	<p>Added discussion of energy conservation resources available on the City's website. Also discussed the City's Reach Code and CAP policies.</p>	Appendix C - Housing Resources	Section 1.7.4
B.1.1	<p><b>Publicly-Owned Sites:</b> The element identifies City-Owned and BART owned sites to accommodate the RHNA and includes minimal commitment to market and coordinate on sites. However, the element should commit to a specific schedule of actions with discrete timing to facilitate development on these 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>	<p>Added specific commitments for publicly-owned sites to Program H-8.</p>	Chapter 7 - Housing Plan	Program H-8
B.1.2	<p><b>Program 11.1 (By-right for Prior Housing Sites):</b> The program should commit to permit residential uses by right pursuant to Government Code section 65583.2, subdivision (i) at appropriate densities (e.g., at least up to 30 units per acre or consistent with assumptions in the inventory).</p>	<p>Revised Program H-11 accordingly.</p>	Chapter 7 - Housing Plan	program H-11
B.1.3	<p><b>Program 24 (Tenant Relocation):</b> As noted in the element (pp. D24 to D26), this program or another program should commit to promote various housing types, namely, group homes, single room occupancy and by right permanent supportive housing.</p>	<p>Revised accordingly. Changes made to Program H-13. No change made to program H-24.</p>	Chapter 7 - Housing Plan	Program H-13
B.2.1	<p><b>Programs 4.1 and 4.4 (Local, State and Federal Funds):</b> The program should commit to how often (e.g., at least annually) funds will be used or applied for and should also commit to identify development opportunities on at least an annual basis.</p>	<p>Revised Program H-4 accordingly.</p>	Chapter 7 - Housing Plan	Program H-4

B.4.1	<p>As noted in Findings A4 and A5, 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.</p>	Programs have been revised accordingly.	Chapter 7 - Housing Plan	Page 24
B.5.1	<p>As noted in Finding A2, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. 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, metrics, milestones, and geographic targeting, and, as appropriate, must address housing mobility enhancement (more choices and affordability across geographies), new housing choices and affordability in higher opportunity and income areas (e.g., missing middle housing types), place-based strategies for community preservation and revitalization and displacement protection.</p>	Programs have been revised accordingly.		
C.1	<p><b>Quantified Objectives:</b> While the element includes quantified objectives for new construction, rehabilitation, and conservation (p. H-33), it could consider increasing objectives for all income groups given the severity of existing and projected housing needs.</p>	Quantified objectives were increased.	Chapter 7 - Housing Plan	Page 24
D.1	<p><b>Public Participation:</b> While the element includes a summary of the public participation process, it should describe how comments were considered and incorporated into the element. For example, the element generally lists and responds to comments (Appendix A) but not how those comments were incorporated into the element.</p>	<p>Chapter 1 provides detailed outreach summaries, including how outreach was considered and incorporated into the element. In response to public comment, the City revised assumed unit yields on BART sites, added a policy on Fair Chance Housing, and removed a site. Changes were made to Appendix A accordingly.</p>	Chapter 1 - Introduction, Appendix A - Public Outreach	Chapter 1 - Section 1.7. Appendix A - Comment Response Matrix