

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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October 5, 2021

Sergio Infanzon, Director
Department of Community Development
City of Huntington Park
6550 Miles Avenue
Huntington Park, CA 90255

Dear Sergio Infanzon:

RE: Review of the City of Huntington Park's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Huntington Park's (City) draft housing element received for review on August 6, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on August 14, 2021 with Malia Durand, contract planner. In addition, HCD considered comments from Communities for a Better Environment, Disability Rights California, and the Public Interest Law Project pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). In particular, the realistic capacity assumptions require further support and analysis, the constraints section must address several potential constraints to housing development, and the element lacks an analysis of the Regional Housing Needs Allocation (RHNA) carryover from the 5th Cycle pursuant to AB 1233 (2005). The enclosed Appendix describes these and other revisions needed to comply with State Housing Element Law.

The City's statutory deadline to adopt a housing element is October 15, 2021. For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the RHNA, including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. In particular, a city that is updating one or more elements in their general plan must provide either a standalone Environmental Justice Element or integrate Environmental Justice plans and policies into the different elements in the general plan. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

HCD appreciates the hard work and commitment you, Director Sergio Infanzon, and contract planner Malia Durand demonstrated throughout the development of the housing element and during the course of our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Colin Cross, of our staff, at colin.cross@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Megan Kirkeby', with a small dot at the end of the signature.

Megan Kirkeby

Enclosure

APPENDIX City of Huntington Park

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

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).)

As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of 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).

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing (AFFH) 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))*

Fair Housing Enforcement & Outreach: The element generally describes resources available for fair housing enforcement in Huntington Park, but does not discuss whether any housing discrimination complaints have been received, addressed, or referred to the Fair Housing Council of Los Angeles County, as the element indicates is the City's policy. The element should be revised to include data on any housing discrimination complaints or cases within the jurisdiction and analyze the data for any patterns or trends by community area or census tract.

Access to Opportunity: The element addresses educational, economic, and environmental opportunities, but must also analyze transportation at the local and regional level. This analysis should compare concentrations of protected groups with access to transportation options, assess any disproportionate transportation needs for members of protected classes, and analyze combined housing and transportation cost impacts on protected groups.

Disproportionate Housing Needs: The element addresses cost burden and overcrowding, but must also analyze substandard housing, homelessness, and displacement risk at the local and regional levels.

Regional Patterns and Trends: For all categories of analysis (segregation and integration, racially and ethnically concentrated areas of poverty, access to opportunity, and disproportionate housing needs, including displacement) the element addresses many requirements to analyze local patterns and trends. However, the element must also analyze regional patterns and trends for each category and subcategory of analysis. A regional analysis should compare conditions at the local level to the rest of the region. This analysis could compare the locality at a county level or a Council of Governments, where appropriate.

Site Inventory: The element contains an analysis of the site inventory that addresses some AFFH requirements. However, the analysis does not fully identify whether sites improve or exacerbate conditions or whether the sites are isolated by income group. In particular, all sites in the inventory are located within the Downtown Specific Plan (DSP) area, which creates a strong concentration of sites to accommodate the lower-income regional housing need allocation (RHNA) in one area. A complete analysis should address this pattern, analyzing the income categories of identified sites with respect to location, the number of sites and units by income and how that effects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss whether the distribution of sites improves or exacerbates conditions; if sites exacerbate conditions, the element should identify further program actions that will be taken to mitigate this (e.g. anti-displacement strategies).

Goals, Priorities, Metrics, and Milestones: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies Program 10 (Equal Housing), which commits the City to continue its policies of referral to the Fair Housing Council of Los Angeles County and of encouraging affordable housing opportunities with tools such as Section 8 housing choice vouchers; the program also commits to providing literature about these policies at various community areas. Other programs identified as assisting the City in its fair housing efforts, including Program 2 (ADUs) and Program 12 (Special Needs Housing), primarily consist of actions that the City is obligated to undertake for compliance with state housing law. These programs do not appear to facilitate any meaningful change nor address AFFH. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results. The element must add and revise programs based on a complete analysis and drawn from the contributing factors to fair housing issues that are identified in the element.

- 2. Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income (ELI) households. (Gov. Code, § 65583, subd. (a)(1).)*

While the element quantifies the existing housing needs of ELI households, it must still quantify projected ELI housing needs. The element must also analyze the housing needs of ELI households. This is particularly important given the unique and disproportionate needs of ELI households. For example, the element could analyze tenure, cost burden, overcrowding and other household characteristics then examine trends and the availability of resources to determine the magnitude of gaps in housing needs.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

While the element provides analysis of rent as a percentage of income, it should also estimate actual rental costs in Huntington Park and relate those cost to affordability by income.

4. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The City has a RHNA of 1,605 housing units, of which 460 are for lower-income households. To address this need, the element relies on non-vacant sites located in the DSP area. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

5th Cycle RHNA Carryover: As noted in HCD's December 10, 2019 letter, the City failed to make adequate sites available to accommodate the regional housing need in the 5th cycle. Therefore, the City must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2021-2029 planning period. (Gov. Code, § 65584.09.) To demonstrate adequate sites were made available in the prior planning period, the element must include an analysis or programs demonstrating compliance with the statutory requirements. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/review-revise.shtml> and HCD's AB 1233 Memorandum at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

Sites Inventory: The sites inventory lists certain sites as government-owned but does not identify which local public agency owns the sites. If the sites are City-owned, the element should identify them as such and outline the City's plans for compliance with the Surplus Lands Act (SLA).

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, including an assumption of 80% buildout for sites in the DSP area, it must also provide support for these assumptions. For example, the element

should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site may need to be adjusted based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. These trends should also support the income category assumptions made for sites in the inventory.

For sites zoned for nonresidential uses (e.g., mixed-use zones such as the DSP area), this analysis must adjust for the likelihood of nonresidential development. For example, the element could describe the underlying zoning for sites in the DSP area, whether 100% nonresidential development is allowed in these zones, and any relevant programs or policies the City is undertaking to facilitate residential development in nonresidential zones.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element describes in general the existing use of each nonvacant site for example “commercial” or “residential”. This alone is not adequate or sufficiently detailed to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, the element needs to also analyze the extent that existing uses may impede additional residential development and should describe and support (through development trends) the factors used to identify sites for redevelopment. The analysis shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the City’s past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. For example, the element could consider indicators such as age and condition of the existing structure, presence of expiring leases, expressed developer interest, low improvement to land value ratio, and other factors.

In addition, 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).

Replacement Housing Requirements: Because the sites inventory identifies sites with existing residential uses, it must identify whether they are affordable to lower-income households or describe whether the additional residential development on the site requires the demolition of the existing residential use. For nonvacant sites with

existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years there must be a replacement housing program for units affordable to lower-income households (Gov. Code, § 65583.2, subd. (g)(3)). Absent a replacement housing program, these sites are not adequate sites to accommodate lower-income households. The replacement housing program has the same requirements as set forth in Government Code section. 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program to address these requirements.

Small Sites: Several sites in the inventory consist of aggregated small parcels. For parcels anticipated to be consolidated, the element must demonstrate the potential for lot consolidation. For example, the analysis could describe the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and/or information on the owners of each aggregated site. For parcels anticipated to develop individually, the element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. Please note sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).).

Accessory Dwelling Units (ADU): The element assumes an average of 24 ADUs per year will be constructed during the planning period, for a total of 192 ADUs. The element's analysis and programs do not support this assumption. For example, based on HCD records and numbers reported in the element, the City is averaging about 13 ADU permits per year. As a result, the element should be updated to include a realistic estimate of the potential for ADUs and include policies and programs that incentivize the production of ADUs.

Suitability and Availability of Infrastructure: The element must demonstrate sufficient existing or planned water, sewer, and other dry utilities supply capacity, including the availability and access to distribution facilities to accommodate the City's regional housing need for the planning period.

Additionally, 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. For additional information and sample cover memo, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

Environmental Constraints: While the element generally describes some environmental conditions within the City (p. IV-31), it must describe any known environmental constraints that could impact housing development in the planning period. Third party comments received by HCD indicate that there may be “multiple contaminated sites, issues of groundwater contamination, hazardous waste, and air pollution issues” within the City (CBE letter, p. 28). Furthermore, many DSP sites are located in areas with high CalEnviroScreen scores. The element should describe these factors and any impact they may have on the development of sites, and include programs as necessary.

Sites with Zoning for a Variety of Housing Types:

- **Emergency Shelters:** While the element notes that emergency shelters are permitted without discretionary action in the Industrial/Manufacturing Planned Development (MPD) zone, given the identified need of 282 individuals experiencing homelessness, the element must demonstrate the City still has sufficient capacity to accommodate the identified housing need for emergency shelters and evaluate the available acreage for characteristics like parcel size, potential redevelopment or reuse opportunities, and proximity to services, and describe development standards. In addition, the element identifies that a Conditional Use Permit (CUP) is required when accommodating more than 30 beds on site. While housing element law does allow a jurisdiction to limit the number of beds or persons permitted to be served nightly by a facility, standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. The element should analyze the 30-bed limit to ensure that the standard does not unduly constrain the development of emergency shelters.
- **Transitional & Supportive Housing:** Pursuant to Chapter 633, Statutes of 2007 (SB2), transitional and supportive housing must be permitted as a residential use in all zones and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. The element must demonstrate consistency with these statutory requirements and include a program, as appropriate.
- **Housing for Farmworkers:** The element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/farmworkers.shtml>.

- **Manufactured Housing:** The element indicates that the City does not have a zone where manufactured housing is permitted without a development permit (p. IV-24). Further analysis is needed to demonstrate that such a requirement is not a constraint to the development of manufactured housing. A full analysis should discuss typical timeframes for the issuance of a development permit, as well as the transparency of the process. Programs to modify or remove this requirement should be added as appropriate.
 - **Single-Room Occupancy (SRO):** While the element contains some discussion on how SROs are allowed in the City (page IV-21), it should analyze the standards for SRO's for potential constraints to on the City's ability to provide a variety of housing types to accommodate housing at all income levels including housing for ELI households. In particular, pursuant third-party comments, the current municipal code prohibits the conversion for exiting motels, hotels, or apartments to SROs. This prohibition may pose a barrier to the conversion or adaptive reuse of motel sites identified in the inventory.
5. *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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).)*

Fees and Exaction: The element identifies the City's planning and development fees, but requires further analysis. This analysis should identify the total amount of fees and their proportion to the development costs for typical single-family and multifamily housing developments.

Local Processing and Permit Procedures: The element describes the requirement for a discretionary development permit process for multifamily projects of two or more units and identifies approval findings for this process but does not analyze the development process or its approval findings as a potential constraint. These findings, in particular findings 3 ("harmonious and compatible") and 7 ("detrimental to the... convenience or welfare of the City"), should be analyzed for their potential as a constraint to development. The analysis should discuss typical timeframes for the issuance of a development permit, as well as impacts to transparency and development certainty in the approval process to mitigate or remove constraints may need to be added, as appropriate.

Design Review: The element must describe and analyze the City's design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.

Constraints on Housing for Persons with Disabilities: Third-party comments identified a need for further analysis of the City's reasonable accommodation procedure. As discussed in a letter from Communities for a Better Environment, Disability Rights California, and the Public Interest Law Project to HCD dated September 3, 2021, the City requires a fee for reasonable accommodation requests; the City also provides for the continued use of variances and CUPs in addition to the reasonable accommodation process. These requirements should be specifically addressed in the element's analysis of the City's reasonable accommodation procedure and the element should commit to modifying its reasonable accommodation ordinance to address these concerns via a program action.

Additionally, the element details that residential care facilities serving six or fewer persons are permitted in all residential zones. However, residential care facilities serving seven or more persons require a CUP. The element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty.

Local Ordinances: 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. The analysis should demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the 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. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

The element must 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. The element must also demonstrate local efforts to remove nongovernmental constraints that create a gap between the jurisdiction's planning for the development of housing for all income levels and the construction of that housing.

7. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

While the element quantifies the City's special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

8. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

While the element claims that no assisted units are at risk of conversion to market rate during the next 10 years, data from the National Housing Preservation Database (NHPD) indicate that six projects in Huntington Park, totaling over 300 assisted units, have affordability restrictions that are set to expire between now and 2028. The element should verify the status of these six projects to confirm dates of expiration. While some of these projects may have additional funding that extends the affordability terms beyond the ten-year timeframe that is not captured by the NHPD database, if units are identified at-risk within a ten-year period, the analysis of "at-risk" units must include the following:

- Listing of each development by project name and address
- Type of governmental assistance received
- Earliest date of change from low-income use; and
- Total number of elderly and non-elderly units.
- Estimated total cost for producing, replacing and preserving the units at-risk.
- 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.

C. Housing Programs

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 through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

- Program 6 (Removal of Governmental Constraints) and Program 7 (Development and Processing Procedures): While these programs commit to reviewing the City's code to remove identified constraints, the program does not clearly identify the constraints to be removed. This program should make a commitment to the removal of specific governmental constraints identified in the element by a date certain.
 - Please note that several programs involve taking action to comply with state law, and as such should include timelines that ensure a beneficial impact by committing to compliance within the first year of the planning period. Programs with actions that require an accelerated timeframe include Program 2 (ADUs), Program 9 (Density Bonus), and Program 12 (Special Needs Housing).
2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy (SRO) units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B4, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning was not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise

programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

ADU Monitoring: The element should commit to monitor ADU production throughout the course of the planning period and implement additional actions if not meeting target numbers at affordability levels anticipated in the housing element. Additional actions, if necessary, should be taken in a timely manner (e.g., within 6 months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

Lot Consolidation: As the element relies on consolidated small sites to accommodate the RHNA for lower-income households, it should include a program(s) to facilitate lot consolidation and development of housing on small sites. For example, the program could commit to (1) granting density bonuses above state density bonus law (Gov. Code, § 65915.); (2) deferring fees specifically for consolidation; (3) expediting permit processing; (4) identifying and targeting specific financial resources; and (5) modifying development standards

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).)*

While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable ELI households. Program actions could include prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily and SRO. In addition, the element could include a program to commit to relocation and protections for those long-term tenants in motels which could be displaced if converted to permanent housing.

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).)*

As noted in Findings B5 and B6, the element requires a complete analysis of potential governmental and non-governmental 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. The element must also add a program specifically intended to remove non-governmental constraints as identified in the element.

5. *Promote AFFH 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 protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, 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 and milestones as appropriate and 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. For additional guidance on program requirements to AFFH, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

6. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

As noted in Finding B8, the City appears to have units that are at risk of conversion to market rate within the next 10 years. If applicable, Program 4 (Monitoring and Preserving Affordable Housing) must be strengthened to commit to specific and proactive actions to preserve the identified at-risk units.

D. Quantified Objectives

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).)

The element must include quantified objectives for the 6th Cycle estimating the number of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period.

E. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

While the element profiles the strategies undertaken to achieve public participation, it must also describe how the City reached all economic segments of the population in conducting outreach related to its survey and workshops, particularly lower-income households. The element should also provide more information on non-governmental organizations and other parties that were notified; a table containing this information is mentioned (p. C-2) but not provided.

Additionally, third party comments suggest that the draft element submitted to HCD differs substantially from the draft made available on the City's website in the weeks prior to submission. By not providing an opportunity for the public to review and comment on a complete and final draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage public participation in the development of the element. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and to HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.