

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

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November 14, 2022

Kevin Marstall, Director
Community Development Department
City of Concord
1950 Parkside Drive
Concord, CA 94519

Dear Kevin Marstall:

RE: City of Concord's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Concord's (City) draft housing element received for review on August 16, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from California for Homeownership, East Bay Housing Organizations, East Bay for Everyone, Derek Sagehorn, TransForm, East Bay YIMBY, Greenbelt Alliance and YIMBY Law, 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). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

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 the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (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). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c) (1) (A) and Government Code section 65583.2, subdivision (c) are completed.

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. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets housing element requirements for these and other funding sources.

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. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

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 Jamillah Williams, of our staff, at Jamillah.Williams@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF CONCORD

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

A. Housing Needs, Resources, and Constraints

1. *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).)*

Enforcement and Outreach: The element must include the City's ability to provide enforcement and outreach capacity which can consist of actions such as the City's ability to investigate complaints, obtain remedies, or the City's ability to engage in fair housing testing. Additionally, the element must also describe compliance with existing fair housing laws and regulations and clarify what fair housing outreach was done to inform the housing element.

Integration and Segregation: The element analyzes segregation and integration by income and persons with disabilities but must also include a local (patterns within the City) and regional analysis (City compared to the broader County or region) of familial status and race.

Racially Concentrated Areas of Affluence (RCAA): The element includes some general analysis about whether parts of the City are considered an RCAA. However, HCD's fair housing data viewer indicates that the City does have census tracts that are considered an RCAA. The analysis should include updated data regarding the City's RCAA designations and as noted above this should be analyzed relative to the broader region, county, and neighboring communities. For more information, please visit: <https://affh-data-resources-cahcd.hub.arcgis.com>.

RECAP: The element identifies the Monument Blvd Corridor as a RECAP and provides some general information on previous uses, age of housing, and noise levels. However a complete analysis should include conditions of the neighborhood relative to quality of life (e.g., housing conditions, infrastructure, parks, community amenities, safe routes to school, environmental health) and effectiveness or absence of past strategies related to equitable quality of life. The element must add or modify programs based on the outcomes of this analysis

Disparities in Access to Opportunity: While the element provides some information on disparities in access to opportunity for education and transit, it must also provide a complete analysis of local and regional trends and patterns for disparities in access to opportunity to environmental and economic opportunities.

Local Data and Knowledge and Other Relevant Factors: The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates, public comments, and service providers. 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.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element must include an analysis demonstrating whether sites identified to meet the regional housing need allocation (RHNA) are distributed throughout the community in a manner that AFFH. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups and how that effects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). Additionally, the element should also discuss any isolation of the RHNA by income group and 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).

2. *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).)*

Overpayment: While the element identifies the total number of overpaying households, it must quantify and analyze the number of lower-income households paying more than 30 percent of their income on housing by tenure (i.e., renter and owner). For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

Housing Costs: While the element uses American Community Survey (ACS) data to describe residential property values and rental rates in Concord, those factors must be supplemented by additional data sources.

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).)*

RHNA Progress: The element identifies multiple projects that have received approval in the last few years. The element must describe the availability of these units during the

planning period including their status and other relevant information demonstrating likelihood of completion during the planning period.

For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/projected-housing-needs.shtml>.

Sites Inventory: While the element includes sites by parcel number, parcel size, zoning, and general plan designation, it must also express the site inventory unit count in whole numbers as opposed to decimals.

Realistic Capacity: The element determined realistic capacity by relying on various assumptions. Specifically, the element indicates that a number of zoning districts include a range of densities (6-60 units/acre). The element should analyze the likelihood these sites will develop as identified (e.g., higher densities for lower-income). For example, the element could include past projects and their built densities to provide support for these assumptions.

Additionally, the element identifies sites in various zone that allow for nonresidential uses including commercial, mixed-use, downtown pedestrian, downtown core, and the downtown district. For sites with zoning that allows 100 percent nonresidential uses, the element must account for the likelihood of 100 percent nonresidential development to demonstrate the realistic residential capacity. To demonstrate the likelihood for residential development in nonresidential zones, the element should describe past trends for all development in the pertinent zones, any performance standards mandating a specified portion of residential and any other factors such as incentives or proposed performance standards for residential use.

Lastly, the element applies a 25 percent density increase on specific sites based on the City's local density bonus programs such as the Transit Overlay Zone or the Affordable Housing Incentive Program. However, the element also indicates that this program cannot be utilized for sites where the State Density Bonus Program. The element should analyze this requirement and provide support for the assumptions identified in the inventory. Specifically, the likelihood that these optional incentive programs will be used and the inventory will develop at the identified capacities.

Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element includes a description of general assumptions on capacity of nonvacant sites. This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The element must describe the methodology used to determine the additional development potential within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and regulatory or other incentives or standards to encourage additional residential development on these sites.

In addition, if the housing element appears to rely upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Finally, if element utilizes sites with existing residential uses. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c) (3).

Downtown Specific Plan: The element indicates that the Downtown Specific Plan may include a unit cap. The element should indicate the number of units have been identified in the Downtown Specific Plan. If there are development caps, the element should describe how they interact with the identified sites and whether they would reach or exceed the development cap.

Concord Reuse Project Area Plan: The element relies on sites within the Concord Reuse Project Area Plan to accommodate a portion of its RHNA. For a complete analysis, the element must provide timing on adoption and implementation; describe any zoning or pre-zoning requirements, and describe the feasibility of development, including infrastructure accessibility during the planning period. In addition, the element notes that 25 percent of the units in this plan will be considered as affordable. The element must provide information and evidence to support this assumption.

Small Sites: Sites larger than ten acres in size or smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. The element identifies certain sites larger than ten acres and smaller than 0.5 acres to accommodate the lower-income RHNA. For sites smaller than 0.5 acres, the element is assuming these lots will be consolidated. However, the element should include the methodology for determining these sites suitable for consolidation. For example, the element could discuss common ownership, adjacency to other parcels, and additional factors. Additionally, the element should relate any trends or characteristics to the actual inventory to facilitate a complete analysis. For large sites, the element should demonstrate how these sites are suitable to accommodate housing for lower-income households based on past trends or other characteristics demonstrating suitability such as anticipated parceling or mixed income approaches. Based on the outcomes of a complete analysis, the element should add or modify programs.

Accessory Dwelling Units (ADUs): The element is projecting 38 ADUs per year for a total of 304 ADUs that will accommodate a portion of the RHNA during the planning period. This assumption is based upon averages from 2018-2021. However, the data provided in the element is inconsistent with the City's production numbers provided in the Annual Progress Reports. HCD's records indicate that the City permitted 19 ADUs in 2018, 18 in 2019, 24 in 2020, and 40 in 2021 for an average of 25 ADUs per year. The element should

reconcile these figures to include a realistic estimate of the potential for ADUs and include policies and programs that incentivize the production of ADUs and data updated to reflect most recent information. Depending on the analysis, the element must commit to monitor ADU production throughout the course of the planning period and implement additional actions if not meeting target numbers anticipated in the housing element. Additional actions, if necessary, should be taken in a timely manner (e.g., within six 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.

Publicly Owned Sites: The element identifies city-owned sites to accommodate the RHNA. The element must include additional discussion on the publicly owned site. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

Environmental Constraints: The element must describe any known environmental constraints within the City that could impact housing development in the planning period. While the element generally describes environmental constraints, the element must relate those constraints to the actual sites identified in the inventory. (Gov. Code, § 65583.2, subd. (b).)

Infrastructure Capacity: While the element generally describes water and sewer infrastructure, it must clarify sufficient existing or planned capacity to accommodate the RHNA or include programs if necessary.

Zoning for a Variety of Housing Types:

- *Employee Housing:* The element must demonstrate the 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. The element must describe compliance with these requirements or include a program to be compliant.
- *Emergency Shelters:* While the element has identified various standards required for permitting emergency shelters, the element must analyze these standards for

potential constraints on developing emergency shelters. Specifically, the element must analyze distancing requirements for emergency shelters such as distance from schools, libraries, residential zones and requirements that emergency shelters must be located within transit routes, and the various facility requirements. The element should also describe compliance with AB 139 (Emergency and Transitional Housing Act of 2019) parking requirements. Lastly, the element must clarify if emergency shelters are allowed by right (without discretion) in the identified zones i.e., OBP, IBP, and IMX. Upon a complete analysis, the element may need to include a program to address any identified constraints.

- *Manufactured Housing:* Manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling would be subject to. The element must demonstrate consistency with this requirement or add or modify programs as appropriate.
- *Other Housing Types:* The element should also clarify the definition of various uses noted in the element including a “Family Day Care Home”, Live/Work units, and Work/Live units. Additionally, while the element describes where Single Room Occupancy (SRO) units and Accessory Dwelling Units (ADU) are allowed, the element should ensure this information is consistent with the Zoning table provided in the element (Table 2).

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).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobilehomes, transitional housing). The analysis must also evaluate the cumulative impacts of land use controls on the cost and supply of single family and multifamily development, including the ability to achieve maximum densities. The analysis should evaluate setback requirements in the RM and RH zone, height limits for the RL, CO, and CMX zones and that allow for multifamily housing and 32 units/acre, and parking requirements for single family and multifamily housing.

Fees and Exaction: While the element identifies the total amount of fees and their proportion to the development costs for both single family and multifamily housing, it must also describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. For additional information and a sample analysis and tables, see the Building Blocks at <https://www.hcd.ca.gov/fees-and-exactions>.

Local Processing and Permit Procedures: The element must describe and analyze the City's permit processing and approval procedures for a typical single family and multifamily development. For example, the element notes several required permits including a Use Permit, Minor Use Permit, Administrative Permit, and Zoning Clearance. The analysis should address the required permits for each use, the approval body, the number of public hearing if any, approval findings and any other relevant information. Additionally, the element should clarify whether the timelines for permit process is the same for both single and multifamily housing. The element should also clarify whether permitted uses are required to obtain a zoning clearance or allowed by-right. The analysis should analyze these and other requirements for impacts on housing cost, supply, timing and approval certainty. Based on a complete analysis, the element should include programs to address or remove the identified constraints.

The element notes that multifamily housing is allowed in the Downtown District and Mixed-Use Zones subject to a use or conditional use permit. The element also discusses that the City is focused on building this type of housing in these areas and identifies sites in these zones for multifamily housing. As noted above, the element must identify any approval findings or decision-making criteria for this requirement. The analysis should address impacts on housing cost, supply, timing and approval certainty. For your information, subjecting multifamily housing to an exception process in zones where multifamily housing is already allowed is generally considered a constraint. Based on a complete analysis, the element should include programs to address or remove the identified constraints.

Design Review: The element briefly describes the City's design review requirements; however, the analysis should analyze the approval timelines, approval procedures and decision-making criteria. The analysis should evaluate this process for potential constraints on housing supply, affordability, and timing. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.

On/Off-Site Improvements: 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. For additional information and a sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/codes-and-enforcement-of-onsite-offsite-improvement-standards>.

Codes and Enforcement: The element must describe the City's building and zoning code enforcement processes and procedures, including the degree and type of enforcement, and any local amendments to the building code and analyze their impact as potential constraints on housing supply and affordability. For additional information and a sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/codes-and-enforcement-of-onsite-offsite-improvement-standards>.

Zoning and Fees Transparency: While the element references the Government Code requirements for transparency of all fees and zoning on the City's website, the element must specifically clarify whether it complies 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).

Local Ordinances: The element must analyze any locally adopted ordinances that directly impacts the cost and supply or residential development (e.g., inclusionary requirements, short term rentals, growth controls).

Constraints on Housing for Persons with Disabilities:

- *Definition of Family:* The element notes that the City's definition of family is not a constraint because the City does not regulate family based on related individuals. However, the definition noted in the element does pose a constraint because of the number of restrictions placed on households. The element should analyze this definition and include a program to address the constraint. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/constraints-for-people-with-disabilities.shtml>.
 - *Group Housing Parking:* The element indicates that group housing is required to provide one parking space per bed, unit, or bedroom, whichever is greater in addition to guest parking spaces. These requirements are a constraint on providing housing for persons with disabilities and requires more parking spaces than other similar uses in these zones (i.e., single family residences). The element must analyze this requirement and include a program to address the constraint.
 - *Group Homes/Residential Care Facilities:* The element currently 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 conditional use permit in most zones. The element should analyze the process as a potential constraint on housing for persons with disabilities and add a program to ensure zoning permits group homes objectively with approval certainty.
5. *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... (Gov. Code, § 65583, subd. (a)(6).)*

Price of Land: The element must also identify the actual land costs for single family and multifamily development.

Developed Densities and Permit Times: 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.

6. *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).)*

Persons with Development Disabilities: The element must quantify the number of persons with developmental disabilities and analyze the special housing needs of persons with developmental disabilities. An analysis should generally discuss types of developmental disabilities, housing needs, housing issues or challenges and resources, policies and programs including existing housing and services, for persons with developmental disabilities.

7. *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 included a list on assisted housing developments at-risk of converting, it must also identify public and private nonprofit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units and federal, state and local financing and subsidy programs to assist in maintaining affordability.

For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/assisted-housing-developments.shtml> and for more information on identifying units at-risk, see the California Housing Partnership Corporation at <http://www.chpc.net>.

B. 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... (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:

- *Timing*: The following programs should discuss the frequency and milestones for certain actions including but not limited to Program 2, 8, 13, and 21

- *Additional Actions:* To facilitate implementation and achieve the intended outcomes, programs should include a proactive outreach component. These programs include but not limited to Program 8, 9, 10, 11, 12, 17.
 - Program 9 should clarify the types of incentives that will be provided during the planning period.
 - Program 11 should include an action continue to monitor state density bonus law and update as needed.
 - Program 12 should clarify the percent required for affordable housing for inclusionary requirements
 - Program 22 should provide quantified objectives e.g., number of homeless people the City anticipates to place into permanent 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 units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A4, 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. In addition, the element should be revised as follows:

Shortfall of Sites: If the element does not identify adequate sites, including available zoning and development standards, to accommodate the RHNA for lower-income households, it must include a program(s) to specifically commit to rezoning sites, including acreage, anticipated units, zoning and development standards and meet all requirements pursuant to Government Code section, 65583.2, subdivisions (h) and (i). For example, the program should permit owner-occupied and rental multifamily uses by-right (without discretionary action) for developments in which 20 percent or more of the units are affordable to lower-income households.

Publicly-Owned Sites: The element identified publicly-owned sites to accommodate a portion of the RHNA. The element should include a program with numerical objectives that ensures compliance with the Surplus Land Act, provides incentives and actions along with a schedule to facilitate development of publicly- owned sites. Actions should include outreach with developers, issuing requests for proposals, incentives, fee waivers, priority processing and financial assistance.

Program 1 – Accessory Dwelling Units (ADU): The City is relying on ADUs to accommodate a portion of its RHNA. Additionally, while the element states it will monitor ADU applications and implement additional incentives, this program should commit to frequent monitoring (i.e., every two years) and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., six months).

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).)*

Program 3 – Special Needs Households: The element must include a program(s) with specific actions and timelines to assist in the development of housing special needs populations including Extremely Low-Income (ELI) households and persons with disabilities. The element includes a program to coordinate with providers; however, the element should include stronger program(s) such as commitments to priority processing, granting fee waivers or deferrals, modifying development standards, and granting concessions and incentives for housing developments that include units affordable to ELI households.

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 A5 and A6, 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, since the element indicates the City does not have a reasonable accommodation procedure, it must include a program to develop specific procedures for requesting and granting a reasonable accommodation. The procedure should not be limited to the installation of accessibility improvements and must provide reasonable accommodations to zoning and land-use requirements for housing for persons with disabilities. For additional information and a sample program and ordinance, see the Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/PRO_mitigate.php.

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).)*

Program to AFFH: 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 commitments, milestones, geographic targeting, and metrics or numeric objectives.

6. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a)... (Gov. Code, § 65583, subd. (c)(6).)*

Program 18 (Preservation) should be modified to include noticing requirements within three years and six months of the affordability expiration dates, coordinating with owners and qualified entities such as non-profit organizations and establish specific time parameters around such actions.

C. 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 to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income group for low-, moderate- and above-moderate income, the element must also include separate objectives for very low- and ELI households.

D. 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)(9).)

The element states that the City made diligent efforts to involve all economic segments of the community in the development of the housing element and describes these efforts. However, the element must also describe outreach efforts to lower income segments of the community. For example, the element could discuss the availability of translation services, efforts to circulate the housing element among low- and moderate-income households, and any outreach with key stakeholders that represent these groups. In addition, Appendix H describes responses to public comments, but must also describe how public input was considered and incorporated into the element. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/public-participation>.

E. Consistency with General Plan

The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)

While the element described how consistency was achieved, it must also describe how it will be maintained during the planning period. For example, the element could include a program to conduct an internal consistency review of the General Plan as part of the annual General Plan implementation report required by Government Code section 65400. The annual report can also assist future updates of the housing element. For additional information and a sample program, see the Building Blocks at <https://www.hcd.ca.gov/analysis-of-consistency-with-general-plan>.