

**PLANNING COMMISSION
RESOLUTION # 2023-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THE CITY COUNCIL ADOPT A GENERAL PLAN AMENDMENT TO
UPDATE THE HOUSING ELEMENT TO COMPLY WITH STATE HOUSING ELEMENT LAW**

WHEREAS, the California Government Code Section 65300 et. seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that Plan to reflect current conditions and issues;

WHEREAS, the California legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code Section 65589.5.); and

WHEREAS, the legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.” (Gov. Code Section 65589.5.); and

WHEREAS, State Housing Element Law (Article 10.6 of Gov. Code) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Antioch’s (City) regional housing need allocation (RHNA) of 3,016 housing units, comprised of 792 (26%) very-low income units, 456 (15%) low-income units, 493 (17%) moderate-income units, and 1,275 (42%) above moderate-income units;

WHEREAS, State law requires that the City conduct an assessment of housing needs and prepare an inventory of resources and constraints relevant to the meeting of these needs, including analysis of population and employment trends, household characteristics, inventory of land suitable and available for residential development (Gov. Code Section 65583(a));

WHEREAS, State law requires that the City identify a zone or zones where emergency shelters are allowed as a permitted use with sufficient capacity to accommodate the need for emergency shelter identified in the assessment of housing needs (Gov. Code Section 65583(a)(4));

WHEREAS, State law requires that the City analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including for special housing needs and persons with disabilities, land use controls, fees, and permit procedures, along with efforts to remove governmental constraints (Gov. Code Section 65583(a)(5));

WHEREAS, State law requires that the City analyze 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 identified in the sites inventory, along with local efforts to remove nongovernmental constraints (Gov. Code Section 65583(a)(6));

WHEREAS, State law requires that the City analyze special housing needs, such as those of the 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 Section 65583(a)(7));

WHEREAS, State law requires that the City analyze opportunities for energy conservation with respect to residential development (Gov. Code Section 65583(a)(8));

WHEREAS, State law requires that the City analyze existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years (Gov. Code Section 65583(a)(9));

WHEREAS, State law requires that the City prepare a statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing (Gov. Code Section 65583(b));

WHEREAS, State law requires that the City prepare a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, 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, the utilization of appropriate federal and state financing (Gov. Code Section 65583(c));

WHEREAS, State law requires that the City 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 share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory without rezoning (Gov. Code Section 65583(c)(1));

WHEREAS, State law requires that the City identify where the inventory of sites, does not identify adequate sites to accommodate the need for groups of all household income levels, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Gov. Code Section 65585 or the date that is 90 days after receipt of comments from the Department of Housing & Community Development, whichever is earlier, unless the deadline is extended;

WHEREAS, State law requires that the City identify programs that assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households (Gov. Code Section 65583(c)(2));

WHEREAS, State law requires that the City identify programs that 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 (Gov. Code Section 65583(c)(3));

WHEREAS, State law requires that the City identify programs that conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action (Gov. Code Section 65583(c)(4));

WHEREAS, State law requires that the City identify programs that 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 protected characteristics, and any other state and federal fair housing and planning law (Gov. Code Section 65583(c)(5));

WHEREAS, State law requires that the City identify programs that preserve for lower income households the assisted housing developments that are eligible to change from low-income housing uses during the next 10 years (Gov. Code Section 65583(c)(6));

WHEREAS, State law requires that the City develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent for very low, low-, or moderate-income households (Gov. Code Section 65583(c)(7));

WHEREAS, State law requires that the City identify the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals (Gov. Code Section 65583(c)(8));

WHEREAS, State law requires that the City make a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort (Gov. Code Section 65583(c)(9));

WHEREAS, State law requires that the City affirmatively further fair housing in accordance with Gov. Code Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2 (Gov. Code Section 65583(c)(10));

WHEREAS, State law requires that the City include a summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity (Gov. Code Section 65583(c)(10)(A)(i));

WHEREAS, State law requires that the City include an analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty and affluence, disparities in access to opportunity, and disproportionate housing needs, including displacement risk (Gov. Code Section 65583(c)(10)(A)(ii));

WHEREAS, State law requires that the City include an assessment of the contributing factors, including the local and regional historical origins and current policies and practices, for the fair housing issues (Gov. Code Section 65583(c)(10)(A)(iii));

WHEREAS, State law requires that the City identify the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights

compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved (Gov. Code Section 65583(c)(10)(A)(iv));

WHEREAS, State law requires that the City include strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement (Gov. Code Section 65583(c)(10)(A)(v));

WHEREAS, State law allows local government to satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters by adopting and implementing a multijurisdictional agreement (Gov. Code Section 65583(d));

WHEREAS, amendments to the required content of a housing element shall apply to a housing element or housing element amendment prepared pursuant to subdivision (e) of Gov. Code Section 65588 or Section 65584.02, when a city submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section or fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02. (Gov. Code Section 65583(e));

WHEREAS, the Housing Element must be adopted to comply with State law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing;

WHEREAS, the City retained Urban Planning Partners to prepare the Housing Element;

WHEREAS, the preparation, adoption, and implementation of the Housing Element and companion zoning amendments requires a diligent effort to include all economic segments of the community;

WHEREAS, the City conducted extensive community outreach over 18 months including two community workshops, four Planning Commission meetings, and two City Council meetings;

WHEREAS, on July 1, 2022, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review;

WHEREAS, in September 29, 2022, HCD contacted the City with a number of comments regarding the draft Housing Element, and based upon comments, City staff revised the draft Housing Element to include additional information and data to support the City's position that the proposed programs and zoning changes would be adequate to accommodate the RHNA and affirmatively further fair housing as shown in Exhibit C;

WHEREAS, the City, as lead agency under the California Environmental Quality Act ("CEQA"), has completed the Housing Element Environmental Impact Report ("EIR") for the Housing Element;

WHEREAS, the Antioch Planning Commission conducted a public hearing to consider the Housing Element EIR on January 4, 2023; and

WHEREAS, on January 4, 2023, the Antioch Planning Commission adopted Resolution 2023- recommending that the City Council certify the Housing Element EIR and adopt CEQA findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program;

WHEREAS, recitals and findings from the Antioch Planning Commission adopted Resolution 2023- are incorporated by reference;

WHEREAS, on December 23, 2022, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 for the Planning Commission on January 4, 2022;

WHEREAS, on December 28, 2022, City published final draft Housing Element], the City published the final draft Housing Element (determined to be in substantial compliance by HCD) on the City website and requested public comment on the final draft

WHEREAS, the Planning Commission held a public hearing on January 4, 2023, considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request, are incorporated by reference;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby makes the following findings to recommend approval of the General Plan Amendment to update the Housing Element:

1. The proposed project conforms to the provisions and standards of the General Plan in that the proposed amendments are internally consistent with all other provisions of the General Plan and do not conflict with any of the previously adopted goals, policies or programs of the General Plan.

2. The proposed amendments are necessary to implement the goals and objectives of the General Plan, including the Land Use Element. The Housing Element (Exhibit A) will accommodate higher density multifamily housing to expand housing options and affordability, and ensure consistency between the General Plan and Zoning Ordinance. The proposed General Plan Amendment complies with, and is required by, applicable State law.

3. The proposed amendments will not be detrimental to the public interest, convenience, and general welfare of the City. The amendments will result in a logical placement of land uses consistent with the overall intent of the General Plan and facilitate housing development opportunities at a range of income levels and household types. The proposed General Plan Amendment will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents, which will be a benefit to the public.

4. The proposed amendment will not cause environmental damage in that potential effects were analyzed in the EIR prepared for the Housing Element, Environmental Hazards and Environmental Justice Elements and the associated Specific Plan and Zoning amendments and are either found to be less than significant with mitigations or acceptable pursuant to a Statement of Overriding Conditions.

5. The proposed amendment will not require changes to or modifications of any other plans that the City Council adopted before the date of this resolution.

6. The Zoning Administrator is hereby authorized to make non-substantive changes to the Housing Element to address comments received from the Department of Housing and Community Development.

7. The Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 et seq. and contains all provisions required by State Housing Element Law, as shown in Exhibit B to this resolution, incorporated herein by this reference.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the that the Planning Commission recommends that the City Council amend the General Plan to update the Housing Element (Exhibit A), Statutory Provisions Checklist (Exhibit B), and Response to Comments (Exhibit C).

* * * * *

I **HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 4th day of January, 2023, by the following vote:

AYES: Gutilla, Hills, Riley, Schneiderman

NOES:

ABSENT: Lutz, Martin, Motts

ABSTAIN:


Forrest Ebbs (Jan 5, 2023 13:31 PST)

FORREST EBBS,
Secretary to the Planning Commission

EXHIBIT A

HOUSING ELEMENT

LINK: <https://www.antiochca.gov/fc/community-development/planning/housing-element/Housing-Element-w-Appendices.pdf>

EXHIBIT B

2022 HOUSING ELEMENT STATUTORY PROVISIONS CHECKLIST



DISCLAIMER: This document is to assist cities and counties that may adopt a housing element before January 31, 2023 and before receiving HCD approval of the proposed Housing Element. To be in substantial compliance with state law, a housing element must contain all of the provisions mandated by state housing element law. The table below lists the statutory requirements in the left column, and the jurisdiction can indicate in the right column where in the Housing Element the requirement is satisfied, by page number, for instance. Jurisdictions should consult with their legal counsel to determine whether the table, along with a response to each of HCD’s comments (if the jurisdiction has received comments) should be incorporated into the resolution adopting the housing element.

2022 Housing Element Statutory Provisions Checklist

Section 65583

Government Code Provision	Housing Element Compliance
The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.	Ch. 7: Goals, Policies, Programs
The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.	Ch. 6: Adequate Sites
The element shall contain all of the following:	Noted
(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:	Ch. 2: Housing Needs (Quantification and Analysis of Need)
(a)(1) An analysis of population and employment trends and documentation of projections	Ch. 2: Housing Needs (Quantification and Analysis of Need)

(a)(1) A quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

Ch. 2: Housing Needs
(Quantification and
Analysis of Need)

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
(a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay,	Ch. 2: Housing Needs (Quantification and Analysis of Need)
(a)(2) housing characteristics, including overcrowding, and	Ch. 2: Housing Needs (Quantification and Analysis of Need)
(a)(2) housing stock condition.	Ch. 2: Housing Needs (Quantification and Analysis of Need)
(a)(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, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction’s duty to affirmatively further fair housing. Note: Please see Section 65583.2 regarding the land inventory.	Ch. 6: Adequate Sites
<i>[Note that AB 2339 (Chapter 654, Statutes of 2022) amended Section 65583(a)(4). It does not apply to ABAG-area housing elements unless the first draft of the housing element is submitted to ABAG after January 31, 2023 or a draft is submitted after April 1, 2023. Therefore the sections below include the statutory provisions of Section 65583(a)(4) effective in 2022. Jurisdictions adopting their housing element after January 1, 2023 should describe why AB 2339 is not applicable to them.]</i>	
(a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.	Ch. 5: Resources (Zoning for a Variety of Housing Types)
(a)(4)(A) If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit.	Ch. 5: Resources (Zoning for a Variety of Housing Types)
(a)(4)(A) The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.	Ch. 5: Resources (Zoning for a Variety of Housing Types)

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(a)(4)(A) Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:</p> <ul style="list-style-type: none"> (i) The maximum number of beds or persons permitted to be served nightly by the facility. (ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. (iii) The size and location of exterior and interior onsite waiting and client intake areas. (iv) The provision of onsite management. (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart. (vi) The length of stay. (vii) Lighting. (viii) Security during hours that the emergency shelter is in operation. 	<p>Ch. 5: Resources (Zoning for a Variety of Housing Types)</p>
<p>(a)(4)(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).</p>	<p>Ch. 5: Resources (Zoning for a Variety of Housing Types)</p>
<p>(a)(4)(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.</p>	<p>Ch. 5: Resources (Zoning for a Variety of Housing Types)</p>
<p>(a)(4)(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.</p>	<p>Ch. 5: Resources (Zoning for a Variety of Housing Types)</p>
<p>(a)(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 [Note: The types of housing identified in Section 65583(c)(1) include multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.]</p>	<p>Ch. 4: Constraints (Actual and Potential Governmental Constraints)</p>
<p>(a)(5) for persons with disabilities as identified in the analysis pursuant to paragraph (7),</p>	<p>Ch. 4: Constraints (Actual and Potential Governmental Constraints)</p>
<p>(a)(5) including land use controls,</p>	<p>Ch. 4: Constraints (Actual and Potential</p>

Regional Housing Technical Assistance

	Governmental Constraints)
(a)(5) building codes and their enforcement,	Ch. 4: Constraints (Actual and Potential Governmental Constraints)

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
(a)(5) site improvements,	Ch. 4: Constraints (Actual and Potential Governmental Constraints)
(a)(5) fees and other exactions required of developers,	Ch. 4: Constraints (Actual and Potential Governmental Constraints)
(a)(5) local processing and permit procedures,	Ch. 4: Constraints (Actual and Potential Governmental Constraints)
(a)(5) and any locally adopted ordinances that directly impact the cost and supply of residential development.	Ch. 4: Constraints (Actual and Potential Governmental Constraints)
(a)(5) 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 Section 65584	Ch. 4: Constraints (Actual and Potential Governmental Constraints)
(a)(5) and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).	Ch. 4: Constraints (Actual and Potential Governmental Constraints)
(a)(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,	Ch. 4: Constraints (Actual and Potential Non-governmental Constraints)
(a)(6) the price of land,	Ch. 4: Constraints (Actual and Potential Non-governmental Constraints)
(a)(6) the cost of construction,	Ch. 4: Constraints (Actual and Potential Non-governmental Constraints)
(a)(6) the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2,	Ch. 4: Constraints (Actual and Potential Non-governmental Constraints)
(a)(6) 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 Section 65584.	Ch. 4: Constraints (Actual and Potential Non-governmental Constraints)

Regional Housing Technical Assistance

<p>(a)(6) 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.</p>	<p>Ch. 4: Constraints (Actual and Potential Non-governmental Constraints)</p>
<p>(a)(7) An analysis of any special housing needs, such as those of the</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>
<p>(a)(7) elderly;</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>
<p>(a)(7) persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code;</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>
<p>(a)(7) large families;</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>
<p>(a)(7) farmworkers;</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>
<p>(a)(7) families with female heads of households;</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>
<p>(a)(7) and families and persons in need of emergency shelter.</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(a)(7) The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>
<p>(a)(7) The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>
<p>(a)(7) An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.</p>	<p>Ch. 2: Housing Needs (Housing Needs for Special Needs Populations)</p>
<p>(a)(8) An analysis of opportunities for energy conservation with respect to residential development. 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>Ch. 3: Resources (Energy Conservation Opportunities)</p>
<p>(a)(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. “Assisted housing developments,” for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. “Assisted housing developments” shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65915.</p>	<p>Ch. 2: Housing Needs (Analysis of At-Risk Housing)</p>
<p>(a)(9)(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality’s low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.</p>	<p>Ch. 2: Housing Needs (Analysis of At-Risk Housing)</p>

Regional Housing Technical Assistance

(a)(9)(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

Ch. 2: Housing Needs
(Analysis of At-Risk
Housing)

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(a)(9)(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.</p>	<p>Ch. 2: Housing Needs (Analysis of At-Risk Housing)</p>
<p>(a)(9)(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.</p>	<p>Ch. 2: Housing Needs (Analysis of At-Risk Housing)</p>
<p>(b)(1) A statement of the community’s goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing.</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(b)(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community’s ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that 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</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c) through the administration of land use and development controls,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c) the provision of regulatory concessions and incentives,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c) the utilization of appropriate federal and state financing and subsidy programs when available,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c) and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).</p>	<p>Ch. 7: Goals, Policies, Programs</p>

Regional Housing Technical Assistance

In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

Ch. 7: Goals,
Policies, Programs

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(c)(1) 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 Section 65584.09.</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1) Sites shall be identified as needed to affirmatively further fair housing</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1) and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1) factory-built housing,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1) mobilehomes,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1) housing for agricultural employees,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1) supportive housing,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1) single-room occupancy units,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1) emergency shelters,</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1) and transitional housing.</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c)(1)(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.</p>	<p>Ch. 6: Adequate Sites</p>

Regional Housing Technical Assistance

(c)(1)(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2. Note: Please see Section 65583.2 regarding the land inventory and conformance with subdivision (h).

Ch. 6: Adequate Sites

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(c)(1)(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.</p>	Ch. 6: Adequate Sites
<p>(c)(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.</p>	Ch. 7: Goals, Policies, Programs
<p>(c)(3) 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</p>	Ch. 7: Goals, Policies, Programs
<p>(c)(3) 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.</p>	Ch. 7: Goals, Policies, Programs
<p>(c)(3) 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.</p>	Ch. 7: Goals, Policies, Programs
<p>(c)(3) Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).</p>	Ch. 7: Goals, Policies, Programs
<p>(c)(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.</p>	Ch. 7: Goals, Policies, Programs
<p>(c)(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 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.</p>	Ch. 7: Goals, Policies, Programs
<p>(c)(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a).</p>	Ch. 7: Goals, Policies, Programs
<p>(c)(6) 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.</p>	Ch. 7: Goals, Policies, Programs
<p>(c)(6) The program may include strategies that involve local regulation and technical assistance.</p>	Ch. 7: Goals, Policies, Programs

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.\	Ch. 7: Goals, Policies, Programs
(c)(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.	Ch. 7: Goals, Policies, Programs
(c)(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.	Ch. 8: Participation
(c)(10)(A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(i) A summary of fair housing issues in the jurisdiction	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(i) and an assessment of the jurisdiction’s fair housing enforcement and fair housing outreach capacity.	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends,	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(ii) racially or ethnically concentrated areas of poverty and affluence,	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(ii) disparities in access to opportunity,	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(ii) and disproportionate housing needs,	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(ii) including displacement risk.	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(ii) The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction.	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(ii) and comparing the jurisdiction to the region in which it is located, based on race 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) and Section 65008.	Ch. 3: Affirmatively Furthering Fair Housing

Regional Housing Technical Assistance

<p>(c)(10)(A)(iii) An assessment of the contributing factors, including the local and regional historical origins</p>	<p>Ch. 3: Affirmatively Furthering Fair Housing</p>
<p>(c)(10)(A)(iii) and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).</p>	<p>Ch. 3: Affirmatively Furthering Fair Housing</p>

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
(c)(10)(A)(iv) An identification of the jurisdiction’s fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance,	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(iv) and identifying the metrics and milestones for determining what fair housing results will be achieved.	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(v) and encouraging development of new affordable housing in areas of opportunity,	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(v) as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing,	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(A)(v) and protecting existing residents from displacement.	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.	Ch. 3: Affirmatively Furthering Fair Housing
(c)(10)(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.	Ch. 3: Affirmatively Furthering Fair Housing
(d)(1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.	N/A
(d)(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.	N/A
(d)(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:	N/A

Regional Housing Technical Assistance

(d)(3)(A) How the joint facility will meet the jurisdiction's emergency shelter need.
(d)(3)(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.
(d)(3)(C) The amount and source of the funding that the jurisdiction contributes to the facility.

N/A

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
(d)(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.	N/A
(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following: [Note that this provision is applicable to AB 2339 (Chapter 654, Statutes of 2022), which amended Section 65583(a)(4). Jurisdictions adopting their housing element after January 1, 2023 should describe why this amendment is not applicable to them.]	No applicable amendments
(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.	No applicable amendments
(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.	No applicable amendments
(f) – (j): Not applicable	N/A

Section 65583.1(a)

Government Code Provision	Housing Element Compliance
(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, ... may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.	Ch. 6: Adequate Sites
(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.	N/A
Note: If communities are using the provisions of Section 65583.1(c), which allow RHNA credit for conversion of non-affordable to affordable housing and for preservation of existing affordable housing at risk of loss, the applicable provisions need to be added to this table.	N/A

Regional Housing Technical Assistance

Section 65583.2

Government Code Provision	Housing Element Compliance
(a) A city’s or county’s inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583,	Ch. 6: Adequate Sites
(a) that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, “land suitable for residential development” includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):	Ch. 6: Adequate Sites
(a)(1) Vacant sites zoned for residential use.	Ch. 6: Adequate Sites
(a)(2) Vacant sites zoned for nonresidential use that allows residential development.	Ch. 6: Adequate Sites
(a)(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county	Ch. 6: Adequate Sites
(a)(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.	Ch. 6: Adequate Sites
(b) The inventory of land shall include all of the following:	Ch. 6: Adequate Sites
(b)(1) A listing of properties by assessor parcel number.	Ch. 6: Adequate Sites
(b)(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.	Ch. 6: Adequate Sites
(b)(3) For nonvacant sites, a description of the existing use of each property.	Ch. 6: Adequate Sites
(b)(3) If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.	Ch. 6: Adequate Sites
(b)(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.	Ch. 4: Constraints (Environmental Constraints)
(b)(5)(A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.	Ch. 4: Constraints (Infrastructure Constraints)

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(b)(5)(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.</p>	<p>Ch. 4: Constraints (Infrastructure Constraints)</p>
<p>(b)(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.</p>	<p>Ch. 4: Constraints (Infrastructure Constraints)</p>
<p>(b)(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction’s general plan, for reference purposes only.</p>	<p>Ch. 6: Adequate Sites</p>
<p>(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.</p>	<p>Ch. 6: Adequate Sites</p>
<p>(c) A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality’s housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right.</p>	<p>Ch. 6: Adequate Sites</p>
<p>(c) Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.</p>	<p>Ch. 7: Goals, Policies, Programs</p>
<p>(c) The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing,</p>	<p>Ch. 5: Resources (Zoning for a Variety of Housing Types)</p>

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
(c) factory-built housing, mobilehomes,	Ch. 5: Resources (Zoning for a Variety of Housing Types)
(c) housing for agricultural employees, supportive housing,	Ch. 5: Resources (Zoning for a Variety of Housing Types)
(c) single-room occupancy units,	Ch. 5: Resources (Zoning for a Variety of Housing Types)
(c) emergency shelters, and	Ch. 5: Resources (Zoning for a Variety of Housing Types)
(c) transitional housing	Ch. 5: Resources (Zoning for a Variety of Housing Types)
(c) and whether the inventory affirmatively furthers fair housing .	Ch. 3 AFFH
(c) The city or county shall determine the number of housing units that can be accommodated on each site as follows:	Ch. 6: Adequate Sites
(c)(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency’s calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.	Ch. 6: Adequate Sites
(c)(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583,	Ch. 6: Adequate Sites
(c)(2) the realistic development capacity for the site,	Ch. 6: Adequate Sites
(c)(2) typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,	Ch. 6: Adequate Sites (Sites Inventory Methodology)
(c)(2) and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	Ch. 6: Adequate Sites (Environmental and Infrastructure Constraints)
(c)(2)(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate 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 locality provides other evidence to the department that the site is adequate to accommodate lower income housing.	Ch. 6: Adequate Sites

Regional Housing Technical Assistance

<p>(c)(2)(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate 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 locality provides other evidence to the department that the site can be developed as lower income housing.</p>	<p>Ch. 6: Adequate Sites</p>
<p>(c)(2)(B) For purposes of this subparagraph, “site” means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.</p>	<p>Ch. 6: Adequate Sites</p>

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(c)(2)(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.</p>	Ch. 6: Adequate Sites
<p>(c)(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:</p>	Ch. 6: Adequate Sites
<p>(c)(3)(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.</p>	Ch. 6: Adequate Sites
<p>(c)(3)(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:</p> <p>(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.</p> <p>(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.</p> <p>(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.</p> <p>(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.</p>	Ch. 6: Adequate Sites
<p>(4)(A) For a metropolitan jurisdiction:</p>	Ch. 6: Adequate Sites
<p>(4)(A)(i) At least 25 percent of the jurisdiction’s share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.</p>	Ch. 6: Adequate Sites
<p>(4)(A)(ii) At least 25 percent of the jurisdiction’s share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.</p>	Ch. 6: Adequate Sites
<p>(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following:</p> <p>(i) Deny a project that does not comply with the allocation.</p> <p>(ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law.</p> <p>(iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.</p>	Ch. 6: Adequate Sites
<p>(C) This paragraph does not apply to an unincorporated area.</p>	Noted
<p>(D) For purposes of this paragraph:</p>	Noted

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(i) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.</p>	Noted
<p>(ii) “Unit of housing” does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.</p>	Noted
<p>(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.</p>	Noted
<p>(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.</p>	Noted
<p>(e)(1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction’s population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.</p>	Noted
<p>(2)(A)(i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.</p>	Noted
<p>(2)(A)(ii) A county subject to this subparagraph shall utilize the sum existing in the county’s housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.</p>	Noted

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(2)(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.</p>	Noted
<p>(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for “suburban area” above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction’s population is less than 25,000 in which case it shall be considered suburban.</p> <p>(g)(1) For sites described in paragraph (3) of subdivision (b) [non-vacant sites], the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential.</p>	Noted
<p>(g)(1) The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development,</p>	Ch. 6: Adequate Sites (Sites Inventory Methodology)
<p>(g)(1) the city’s or county’s past experience with converting existing uses to higher density residential development,</p>	Ch. 6: Adequate Sites (Sites Inventory Methodology)
<p>(g)(1) the current market demand for the existing use,</p>	Ch. 6: Adequate Sites (Sites Inventory Methodology)
<p>(g)(1) 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,</p>	Ch. 6: Adequate Sites (Sites Inventory Methodology)
<p>(g)(1) development trends,</p>	Ch. 6: Adequate Sites (Sites Inventory Methodology)
<p>(g)(1) market conditions,</p>	Ch. 6: Adequate Sites (Sites Inventory Methodology)
<p>(g)(1) and regulatory or other incentives or standards to encourage additional residential development on these sites.</p>	Ch. 6: Adequate Sites (Sites Inventory Methodology)

Regional Housing Technical Assistance

(g)(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

N/A

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(g)(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity’s valid exercise of its police power, or occupied by low or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.</p>	<p>Ch. 6: Adequate Sites (Sites Inventory Methodology)</p>
<p>(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period.</p>	<p>Ch. 6: Adequate Sites (Sites Inventory Methodology)</p>
<p>(h) These sites shall be zoned with minimum density and development standards that permit at least</p>	<p>Ch. 6: Adequate Sites (Sites Inventory Methodology)</p>
<p>(h) 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c),</p>	<p>Ch. 6: Adequate Sites (Sites Inventory Methodology)</p>
<p>(h) shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c)</p>	<p>Ch. 6: Adequate Sites (Sites Inventory Methodology)</p>
<p>(h) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b).</p>	<p>Ch. 6: Adequate Sites (Sites Inventory Methodology)</p>
<p>(h) At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.</p>	<p>Ch. 6: Adequate Sites (Sites Inventory Methodology)</p>

Regional Housing Technical Assistance

(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act.

Ch. 6: Adequate Sites
(Sites Inventory
Methodology)

Regional Housing Technical Assistance

Government Code Provision	Housing Element Compliance
<p>(i) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.</p>	Noted
<p>(i) Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.</p>	Noted
<p>(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marín Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.</p>	N/A

Section 65583.3

Government Code Provision	Housing Element Compliance
<p>(a) For a housing element or amendment adopted on or after January 1, 2021, the planning agency shall submit to the department an electronic copy of its inventory of land suitable for residential development developed pursuant to paragraph (3) of subdivision (a) of Section 65583 and subdivision (b) of this section with the copy of its housing element or amendment submitted pursuant to subdivision (g) of Section 65585. The local government shall ensure, to the best of its knowledge, that the inventory of land submitted to the department is true and correct.</p> <p>(b) Notwithstanding subdivision (a) of Section 65301, each local government shall prepare the inventory required under paragraph (3) of subdivision (a) of Section 65583 using standards, forms, and definitions adopted by the department.</p>	Ch. 6: Adequate Sites

EXHIBIT C

**TABLE OF REVISIONS IN RESPONSE TO HCD COMMENT LETTER DATED SEPTEMBER
29, 2022 (ATTACHED)**

TABLE: HOUSING ELEMENT REVISIONS IN RESPONSE TO HCD COMMENT LETTER DATED 09/29/22 (ATTACHED)

Comment Number	Comment from Letter Dated 09-29-22	Response Notes
A. Housing Needs Resources and Constraints		
<i>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).)</i>		
a	<u>Fair Housing Enforcement and Capacity</u> : The housing element must include a summary of fair housing enforcement and outreach capacity. The analysis must address how the City complies with state and federal fair housing laws, including regulations, lawsuits, and related enforcement actions.	See <i>Appendix B</i> , pages B-9, B-15: B-16 are revised to describe compliance more specifically with fair housing laws, the city's enforcement and outreach capacity, and an evaluation of fair housing complaints and cases, including a summary of findings.
b	<u>Disproportionate Housing Needs, Including Displacement Risk</u> : While the element includes discussion on disproportionate housing needs, this discussion should also address the patterns within the city and evaluate any similarities with other components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity).	See <i>Appendix B</i> , pages B-19, B-20, B-62, B-67, B-86, B-105 See <i>Chapter 2 Housing Needs</i> 2-8:2-10, 2-2:2-21 See <i>Chapter 3 AFFH</i> 3-3:3-4. 3-7:3-21
c	<u>Affirmatively Furthering Fair Housing (AFFH) and Sites Inventory</u> : While the element includes an analysis of identified sites to accommodate the regional housing need allocation (RHNA) to affirmatively furthering fair housing for the lower-income RHNA, it should also conduct this analysis with consideration for the moderate and above moderate RHNA.	See <i>Chapter 3, Summary of Affirmatively Furthering Fair Housing</i> , Page 3-11:3-16 and <i>Appendix B</i> , B-106 through B-111 are revised to include an evaluation of moderate and above moderate income unit distribution.
d	<u>Local Data and Knowledge</u> : The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. 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 and service providers, City staff and related local and county planning documents.	Addressed in above edits.
e	Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues in the City. For instance, the element can analyze historical land use, zoning and barriers to housing choices, investment practices, seeking investment or lack of seeking investment to promote affordability and inclusion, information about redlining/greenlining, restrictive covenants and other discriminatory practices, land use related lawsuits, local initiatives, demographic trends or other information that complements the state and federal data.	See <i>Chapter 3, AFFH</i> revised pages 3-13:3-14, and <i>Appendix B</i> , pages B-16:B-18
f	Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess contributing factors and particularly prioritize those factors then formulate appropriate policies and programs.	See <i>Chapter 3 AFFH</i> 3-13:3-14, 3-22:3-28
g	<u>Goals and Actions</u> : The element must be revised to add or modify goals and actions based on the outcomes of analysis described above. Goals and actions must specifically respond to the analysis and 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, discrete timing or milestones, geographic targeting and metrics or numerical targets. As appropriate, actions must address housing mobility, new housing choices and affordability in higher resource or higher income areas, place-based strategies for community preservation and revitalization and displacement protection.	See <i>Chapter 2 Housing Needs</i> and <i>Chapter 3 AFFH</i> Tied together as described above. See Programs Revised in <i>Chapter 7</i> - 1.1.7. Code Enforcement (pg. 7-5) - 1.1.8. Safe Housing Outreach (pg. 7-6) - 2.1.7 Support Non-profit Housing Sponsors - 5.1.1. Fair Housing Services (pg. 7-31) - 2.1.9 Housing for Unhoused Persons - 3.1.1. Housing for Special Needs Groups - 3.1.4 Cord. W. Agencies Serving Unhoused - 3.1.8. Housing for Persons with Disabilities
<i>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 households. (Gov. Code, § 65583, subd. (a)(1).)</i>		
<i>Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)</i>		

TABLE: HOUSING ELEMENT REVISIONS IN RESPONSE TO HCD COMMENT LETTER DATED 09/29/22 (ATTACHED)

Comment Number	Comment from Letter Dated 09-29-22	Response Notes
a	<u>Extremely Low-Income (ELI) Households</u> : The element does include some data on the number of existing and projected ELI households, but it must also include analysis of their housing needs. The analysis should evaluate tenure, overpayment, resources, and strategies available and the gap and magnitude of housing needs to better formulate policies and programs.	See Chapter 2 <i>Housing Needs</i> , Revised Pages 2-9:2-12, and 2-18:2-21 which includes discussion of ELI households and renters' disproportionate experiencing of cost burden. Revisions to Ch. 7 Programs <ul style="list-style-type: none"> - 2.1.7 Support Non-profit Housing Sponsors - 2.1.9 Housing for Unhoused Persons - 3.1.1. Housing for Special Needs Groups - 3.1.4 Cord. W. Agencies Serving Unhoused - 3.1.8. Housing for Persons with Disabilities
b	<u>Overpayment</u> : The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).	See Chapter 2 <i>Housing Needs</i> , Revised Pages 2-9:2-12, and 2-18:2-21 which
c	<u>Housing Conditions</u> : While the element estimates the number of units in need of rehabilitation, it should supplement this estimate with the number of units in need of replacement.	See Chapter 2 <i>Housing Needs</i> , Revised Pages 2-14 Programs revised in Ch. 7 1.1.7. Code Enforcement (pg. 7-5) 1.1.8. Safe Housing Outreach (pg. 7-6)
d	<u>Housing Costs</u> : While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., local knowledge).	See Chapter 2 <i>Housing Needs</i> , Revised page 2-9:2-10 which includes 2022 Market rents sourced from Zillow Rental Manager.
<i>3. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)</i>		
a	<u>Realistic Capacity</u> : Where zoning allows 100 percent nonresidential uses, the calculation of residential capacity should account for the likelihood of 100 percent nonresidential development. For example, the element could analyze all development activity in nonresidential zones allowing 100 percent nonresidential uses, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly. This analysis may incorporate any proposed policies such as residential performance standards, prohibition of commercial uses and should clarify that all zones allow residential uses, particularly 100 percent residential uses.	Chapter 6 <i>Sites</i> , revised pages 6-14:6-15 through 6-20. These pages now include discussion of the rezoning of housing sites allowing for the development of 100% residential uses and no sites being rezoned to non-res. Or MU districts.
b	<u>Suitability of Nonvacant Sites</u> : The element must include an analysis demonstrating the potential for additional development on nonvacant sites. While the element maps various areas with a description, in some cases, as noted in our conversation, the element should include additional discussion regarding the extent existing uses impede additional development such as market demand for the existing use and existing leases, contracts or other conditions that would perpetuate the existing use or prevent additional residential development. For example, Sites 1-82 are currently residential lots occupied primarily by single-family residences and Sites 120, 138, 154, 155, 164 and 166 are places of worship. The element should include a discussion of why the uses will likely discontinue or be redeveloped in the planning period. The element could also consider additional indicators of the potential for redevelopment such as age and condition of the existing structure, expressed developer or property owner interest, existing versus allowable floor area, and other factors.	See <i>Chapter 6 Sites</i> , page 6-6:6-11 which discuss methodology. See Page 6-25 includes a discussion on non-vacant housing sites and their selection for inclusion within the site inventory which considered their improvement land value (ILV) ratio. See Page 6-58 has been revised to include additional discussion related to non-vacant sites that are also places of worship.
c	Finally, the element identifies 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 should have at least the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).	See Revised Page 6-11 clarifies no sites include deed restricted units or those affordable to lower income households.
d	<u>AB 725</u> : For jurisdictions that are considered Metropolitan, the element must identify at least 25 percent of the remaining moderate and above moderate RHNA on sites that allow at least four units of housing (e.g., four plex or greater) (Gov. Code, § 65583.2, subd. (c)(4)).	See <i>Chapter 6 Sites</i> , revised page 6-14 which includes evaluation of the city's proposed accommodation of moderate and above moderate income residential units.

TABLE: HOUSING ELEMENT REVISIONS IN RESPONSE TO HCD COMMENT LETTER DATED 09/29/22 (ATTACHED)

Comment Number	Comment from Letter Dated 09-29-22	Response Notes
e	<u>Infrastructure</u> : While the element includes a general discussion on water and sewer capacity, it must demonstrate sufficient existing or planned water and sewer capacity to accommodate the City’s regional housing need for the planning period.	See <i>Chapter 4, Constraints</i> and <i>Chapter 6, Sites</i> revised pages 4-22:4-23 and 6-23: 6-25 for greater discussion related to infrastructure constraints to housing site development.
f	<u>Environmental Constraints</u> : While the element generally describes environmental conditions, it should also describe any other known conditions (e.g., shape, easements, contamination) that could impact housing development on identified sites in the planning period.	See <i>Chapter 4, Constraints</i> revised pages 4-28, <i>Chapter 6 Sites</i> , revised page 6-24:6-25 which further discusses environmental conditions in the city which may serve as constraints to the future development of housing sites contained within the city’s site inventory.
g	<u>Electronic Sites Inventory</u> : Pursuant to Government Code section 65583.3, subdivision (b), 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. HCD has not received a copy of the electronic inventory. Please note, 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#element for a copy of the form and instructions. The city can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.	An updated site inventory, including an electronic copy is attached to this resubmittal. See attached.
h	<u>Zoning for a Variety of Housing Types (Emergency Shelters)</u> : The element mentions emergency shelters are permitted in an overlay district. However, the element should also clarify shelters are permitted without discretionary action and discuss available acreage, including typical parcel sizes and the presence of reuse opportunities, proximity to transportation and services and any conditions inappropriate for human habitability. The analysis should also list and evaluate development standards. Finally, parking requirements appear inconsistent with statutory requirements that limit parking to staff and as a result, the element should add or modify programs to revise parking requirements.	See <i>Chapter 5 Resources</i> revised pg. 5-13: 5-14 which discusses sites and proximity to services, and standards. See <i>Chapter 3 Housing Needs and Program 3.1.5.</i> revised on Chapter 7, revised page 7-22 to remove per-bed parking requirements for emergency shelters.
<p><i>4. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)</i></p> <p><i>An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2... (Gov. Code, § 65583, subd. (a)(6).)</i></p>		
a	<u>Land Use Controls</u> : The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to parking, heights, lot coverage and allowable density ranges. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities.	<p>In response to HCD comments received on the draft Housing Element, the city’s R-35 zoning district, which as stands allows residential development between 30 and 35 du/acre is proposed to be amended to allow development between 25 and 35 du/acre. This zoning text amendment will occur alongside adoption of the housing element, along with related housing site rezonings. Accordingly, the following pages have been revised to reflect this change to the R-35 zoning district: revised pages 4-3: 4-7, 6-7 & 6-14.</p> <p>See revised Page 5-9 within Chapter 5, <i>Resources</i>, which provides further clarity regarding the city’s adopted zoning ordinance which references and implements State Density Bonus Law.</p> <p>See revised Page 4-9 re: Parking Requirements and Program 4.1.6. to include future evaluation and continue compliance w/ state laws.</p> <p>See <i>Chapter 4, Constraints</i> revised pages 4-14 and 4-15 which includes additional discussion regarding the city’s regulations related to multi-family zoning districts including maximum building heights.</p> <p>Clarified in above.</p>

TABLE: HOUSING ELEMENT REVISIONS IN RESPONSE TO HCD COMMENT LETTER DATED 09/29/22 (ATTACHED)

Comment Number	Comment from Letter Dated 09-29-22	Response Notes
b	<u>Zoning Fees and Transparency</u> : The element must clarify its compliance with new transparency requirements for posting all zoning and development standards, and inclusionary requirements for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1(a)(1).	Reference Added. See <i>Chapter 4 Constraints</i> , revised page 4-15 which revises the previously provided development fees table to include the East Contra Costa County Regional Transportation Demand Impact Mitigation (RTDIM) Fee. See <i>Chapter 4 Constraints</i> , revised page 4-4 which clarifies that the city's zoning regulations, development standards and fees are included on the city's website.
c	<u>Building Codes</u> : The element should identify and evaluate any local amendments to the building code for impacts on housing costs.	See <i>Chapter 4 Constraints</i> revised Page 4-12 which clarifies that the city has not adopted any local amendments to the California Building Code.
d	<u>Fees and Exaction</u> : The element provides a cumulative analysis of fees on various housing types but should also list all the various planning and impact fees, including regional transportation impact fees, to better evaluate the impacts on housing development costs.	See <i>Chapter 4 Constraints</i> , revised page 4-15:4-16 which revises the previously provided development fees table to include the East Contra Costa County Regional Transportation Demand Impact Mitigation (RTDIM) Fee. And Chapter 7, revised page 7-29.
e	<u>Local Processing and Permit Procedures</u> : While the element mentions uses are by-right, it should also describe the procedures for a typical single family and multifamily development complying with zoning. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The analysis should evaluate approval findings for impacts on approval certainty.	See <i>Chapter 4 Constraints</i> , revised Page 4-20:4-21 which provides clarification related to the city's local processing and permit procedures for residential uses including design review, and new Multi-family ODS.
f	In addition, the element (p. 4-4) notes multifamily development are subject to a conditional use permit (CUP) in multifamily zones. Requiring a CUP or exception process for a use in its intended zone is a constraint. The element should include a program with specific commitment and discrete timing early in the planning period to remove or modify the requirement. This is particularly important since the past element had a program to address this requirement as a constraint.	See <i>Chapter 4 Constraints</i> , revised Pg. 4-3: 4-5 which removes the use permit requirement for multi-family residential uses in multi-family districts, including design review, and new Multi-family ODS.
g	<u>Constraints on Housing for Persons with Disabilities</u> : The element should analyze potential constraints on housing for persons with disabilities, as follows: <ul style="list-style-type: none"> ▪ Reasonable Accommodation: The element references the zoning code includes a reasonable accommodation procedure, it should include a description of the process and decision-making criteria such as approval findings and analysis of any potential constraints on housing for persons with disabilities and modify programs as appropriate. ▪ Group Homes for Seven or More Persons: The element indicates group homes for seven or more persons are allowed in a limited number of residential zones and subject to a CUP. The element should analyze the exclusion of these uses in all residential zones and the CUP requirement and add or modify programs to address the constraint. 	See <i>Chapter 4 Constraints</i> , revised Page 4-11 & 4-12 which provides additional clarity regarding the city's reasonable accommodation procedure including application contents, process timing, decision maker, required findings and any special requirements. <ul style="list-style-type: none"> - Added to Revised 3.1.1. Housing for Special Needs Groups - 3.1.8. Housing for Persons with Disabilities
h	<u>Requests for Lesser Densities</u> : The element must be revised to analyze requests to develop housing at densities below those anticipated in the sites inventory, including hinderance on the construction of a locality's share of the regional housing need.	To be addressed following local adoption.
<i>5. An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. (Gov. Code, § 65583, subd. (a)(9).)</i>		
a	The analysis of at-risk unit must estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately and does not have to contain a project-by-project cost estimate.	See <i>Chapter 2, Housing Needs</i> revised 2-17 which includes estimate using loopnet sales listings for older smaller MF buildings.
B. Housing Programs		
<i>1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element. (Gov. Code, § 65583, subd. (c).)</i>		

TABLE: HOUSING ELEMENT REVISIONS IN RESPONSE TO HCD COMMENT LETTER DATED 09/29/22 (ATTACHED)

Comment Number	Comment from Letter Dated 09-29-22	Response Notes
a	To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines (e.g., at least annually or month and year) or timeframes earlier in the planning period. Examples include Programs 1.1.2 (Housing Rehabilitation), 1.1.3 (Community Education), 1.1.5 (Safe Housing Outreach), 2.1.3 (Meet with Potential Developers), 2.1.5 (Affordable Housing Program Inventory), 2.1.7 (Support Non-profit Housing), 2.1.9 (Unhoused Populations), 3.1.1 (Housing for Special Needs), 3.1.4 (Unhoused Population Coordination), 3.1.7 (Farmworker Housing), 3.1.9 (Housing and Services for those with Disabilities), 4.1.3 (Density Bonus Ordinance), 4.1.6 (Parking Requirements), 4.1.8 (Regional Fees) and 5.1.4 (Prioritize Hard to Serve Residents).	Various revisions to <i>Chapter 7</i> to format programs in a way that offered specifics to HCD. We followed approach of City of Alameda (as directed by HCD) and “beefed up” many special needs related programs to include reference to our zoning amendments. <ul style="list-style-type: none"> - 1.1.7. Code Enforcement (pg. 7-5) - 1.1.8. Safe Housing Outreach (pg. 7-6) - 2.1.7 Support Non-profit Housing Sponsors - 5.1.1. Fair Housing Services (pg. 7-31) - 2.1.9 Housing for Unhoused Persons - 3.1.1. Housing for Special Needs Groups - 3.1.4 Cord. W. Agencies Serving Unhoused - 3.1.8. Housing for Persons with Disabilities
b	Additionally, programs should include specific commitment and actions toward beneficial impacts or housing outcomes. Program language such as “discuss”, “review”, “develop” and “explore” should be complemented or replaced with commitment such as adopt, pursue, apply or identify. Examples of programs that should be revised include Programs 2.1.9 (Unhoused Populations), 2.1.11 (Missing Middle Housing), 3.1.1 (Housing for Special Needs) and 3.1.7 (Farmworker Housing).	Various revisions to <i>Chapter 7</i> to format programs
<p><i>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, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)</i></p>		
a	As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the city may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:	See below.
b	<ul style="list-style-type: none"> ▪ <i>Concurrent Rezoning</i>: HCD understands the city will be completing rezoning prior to the start of the planning period (January 31, 2023) to accommodate the RHNA, including for lower-income households. Please be aware, if rezoning is not completed by January 31, 2023, the element must include a program(s) to rezone sites with appropriate zoning and development standards pursuant to Government Code sections 65583, subdivision (c)(1), and 65583.2, subdivisions (h) and (i). 	See <i>Chapter 6 Sites</i> , revised Page 6-14: 6-15 which clarifies that proposed housing site rezonings and associated general plan amendments will be adopted alongside the 6 th cycle housing element update prior to the beginning of the planning period.
c	<ul style="list-style-type: none"> ▪ <i>Program 3.1.5 (Supportive and Transitional Housing)</i>: The Program currently conflates general requirements related to transitional and supportive housing and by-right permanent supportive housing (AB 2162). The program should make a clear and specific commitment to comply with both requirements. 	See Revisions to <i>Chapter 7</i> .
d	<ul style="list-style-type: none"> ▪ <i>Program 3.1.5 (Supportive and Transitional Housing)</i>: The Program currently conflates general requirements related to transitional and supportive housing and by-right permanent supportive housing (AB 2162). The program should make a clear and specific commitment to comply with both requirements. 	See Revisions to <i>Chapter 7</i> .
e	<ul style="list-style-type: none"> ▪ <i>Large and Small Sites</i>: The element should include programs to encourage and facilitate development of housing for lower-income households on large and small sites. Examples of actions include amending zoning, establishing incentives and coordinating with property owners and developers. 	<p>See <i>Chapter 6, Sites</i>, revised page 6-10 includes discussion of housing site sizes.</p> <p>Additionally See Revisions to <i>Chapter 7</i> related to program commitments to increasing housing opportunities for lower incomes including:</p> <ul style="list-style-type: none"> • Program 4.1.13. Objective Design Standards • Programs 4.1.14 Housing Site Inventory General Plan Amendments and Rezonings. • Program 2.1.7 Support Non-Profit Housing Sponsors • Program 2.1.6 Housing for ELI Households • Program 2.1.10 Inclusionary Housing

TABLE: HOUSING ELEMENT REVISIONS IN RESPONSE TO HCD COMMENT LETTER DATED 09/29/22 (ATTACHED)

Comment Number	Comment from Letter Dated 09-29-22	Response Notes
<i>3. 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).)</i>		
a	As noted in Finding B4, 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.	Resolved as described above.
<i>4. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)</i>		
a	As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis.	Resolved as described above.
<i>5. 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).)</i>		
a	Program 1.1.1 (Preserve At-risk Projects) should commit to comply with noticing requirements and coordinate with qualified entities.	See Revisions to <i>Chapter 7</i> .
<i>6. Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)</i>		
a	Program 2.1.8 (Promote Accessory Dwelling Units (ADU)) should commit to amend the ADU ordinance as necessary to comply with state law and monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., 6 months) if assumptions are not realized.	See Revisions to <i>Chapter 7</i> .
C. Quantified Objectives		
<i>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).)</i>		
a	While the element includes quantified objectives for new construction, rehabilitation, and conservation by income group; it could consider quantified objectives for conservation (beyond at-risk preservation). For your information, the quantified objectives do not represent a ceiling, but rather set a target goal for the city to achieve, based on needs, resources, and constraints.	See Revisions to <i>Chapter 7</i> .

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

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September 29, 2022

Forrest Ebbs, Director
Community Development Department
City of Antioch
200 H Street
Antioch, CA 94531

Dear Forrest Ebbs:

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

Thank you for submitting the City of Antioch's (City) draft housing element update received for review on July 1, 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. Our review was facilitated by conversations on August 15, 2022 and September 8 and 20, 2022. In addition, HCD considered comments from TransForm 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.

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.

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 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).

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 will meet housing element requirements for these and other funding sources.

We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Alex Contreras, of our staff, at Alex.Contreras@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF ANTIOCH

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).)*

Fair Housing Enforcement and Capacity: The housing element must include a summary of fair housing enforcement and outreach capacity. The analysis must address how the City complies with state and federal fair housing laws, including regulations, lawsuits, and related enforcement actions.

Disproportionate Housing Needs, Including Displacement Risk: While the element includes discussion on disproportionate housing needs, this discussion should also address the patterns within the City and evaluate any similarities with other components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity).

Affirmatively Furthering Fair Housing (AFFH) and Sites Inventory: While the element includes an analysis of identified sites to accommodate the regional housing need allocation (RHNA) to affirmatively furthering fair housing for the lower-income RHNA, it should also conduct this analysis with consideration for the moderate and above moderate RHNA.

Local Data and Knowledge: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. 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 and service providers, City staff and related local and county planning documents.

Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues in the City. For instance, the element can analyze historical land use, zoning and barriers to housing choices, investment practices, seeking investment or lack

of seeking investment to promote affordability and inclusion, information about redlining/greenlining, restrictive covenants and other discriminatory practices, land use related lawsuits, local initiatives, demographic trends or other information that complements the state and federal data.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess contributing factors and particularly prioritize those factors then formulate appropriate policies and programs.

Goals and Actions: The element must be revised to add or modify goals and actions based on the outcomes of analysis described above. Goals and actions must specifically respond to the analysis and 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, discrete timing or milestones, geographic targeting and metrics or numerical targets. As appropriate, actions must address housing mobility, new housing choices and affordability in higher resource or higher income areas, place-based strategies for community preservation and revitalization and displacement protection.

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 households. (Gov. Code, § 65583, subd. (a)(1).)*

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).)

Extremely Low-Income (ELI) Households: The element does include some data on the number of existing and projected ELI households, but it must also include analysis of their housing needs. The analysis should evaluate tenure, overpayment, resources, and strategies available and the gap and magnitude of housing needs to better formulate policies and programs.

Overpayment: The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).

Housing Conditions: While the element estimates the number of units in need of rehabilitation, it should supplement this estimate with the number of units in need of replacement.

Housing Costs: While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., local knowledge).

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).)

Realistic Capacity: Where zoning allows 100 percent nonresidential uses, the calculation of residential capacity should account for the likelihood of 100 percent nonresidential development. For example, the element could analyze all development activity in nonresidential zones allowing 100 percent nonresidential uses, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly. This analysis may incorporate any proposed policies such as residential performance standards, prohibition of commercial uses and should clarify that all zones allow residential uses, particularly 100 percent residential uses.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for additional development on nonvacant sites. While the element maps various areas with a description, in some cases, as noted in our conversation, the element should include additional discussion regarding the extent existing uses impede additional development such as market demand for the existing use and existing leases, contracts or other conditions that would perpetuate the existing use or prevent additional residential development. For example, Sites 1-82 are currently residential lots occupied primarily by single -family residences and Sites 120, 138, 154, 155, 164 and 166 are places of worship. The element should include a discussion of why the uses will likely discontinue or be redeveloped in the planning period. The element could also consider additional indicators of the potential for redevelopment such as age and condition of the existing structure, expressed developer or property owner interest, existing versus allowable floor area, and other factors.

Finally, the element identifies 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 should have at least the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).

AB 725: For jurisdictions that are considered Metropolitan, the element must identify at least 25 percent of the remaining moderate and above moderate RHNA on sites that allow at least four units of housing (e.g., four plex or greater) (Gov. Code, § 65583.2, subd. (c)(4)).

Infrastructure: While the element includes a general discussion on water and sewer capacity, it must demonstrate sufficient existing or planned water and sewer capacity to accommodate the City's regional housing need for the planning period.

Environmental Constraints: While the element generally describes environmental conditions, it should also describe any other known conditions (e.g., shape, easements, contamination) that could impact housing development on identified sites in the planning period.

Electronic Sites Inventory: Pursuant to Government Code section 65583.3, subdivision (b), 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. HCD has not received a copy of the electronic inventory. Please note, 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#element> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types (Emergency Shelters): The element mentions emergency shelters are permitted in an overlay district. However, the element should also clarify shelters are permitted without discretionary action and discuss available acreage, including typical parcel sizes and the presence of reuse opportunities, proximity to transportation and services and any conditions inappropriate for human habitability. The analysis should also list and evaluate development standards. Finally, parking requirements appear inconsistent with statutory requirements that limit parking to staff and as a result, the element should add or modify programs to revise parking requirements.

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).)*

An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2... (Gov. Code, § 65583, subd. (a)(6).)

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to parking, heights, lot coverage and allowable density ranges. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities.

Zoning Fees and Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards, and inclusionary requirements for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1(a)(1).

Building Codes: The element should identify and evaluate any local amendments to the building code for impacts on housing costs.

Fees and Exaction: The element provides a cumulative analysis of fees on various housing types but should also list all the various planning and impact fees, including regional transportation impact fees, to better evaluate the impacts on housing development costs.

Local Processing and Permit Procedures: While the element mentions uses are by-right, it should also describe the procedures for a typical single family and multifamily development complying with zoning. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The analysis should evaluate approval findings for impacts on approval certainty.

In addition, the element (p. 4-4) notes multifamily development are subject to a conditional use permit (CUP) in multifamily zones. Requiring a CUP or exception process for a use in its intended zone is a constraint. The element should include a program with specific commitment and discrete timing early in the planning period to remove or modify the requirement. This is particularly important since the past element had a program to address this requirement as a constraint.

Constraints on Housing for Persons with Disabilities: The element should analyze potential constraints on housing for persons with disabilities, as follows:

- *Reasonable Accommodation*: The element references the zoning code includes a reasonable accommodation procedure, it should include a description of the process and decision-making criteria such as approval findings and analysis of any potential constraints on housing for persons with disabilities and modify programs as appropriate.
- *Group Homes for Seven or More Persons*: The element indicates group homes for seven or more persons are allowed in a limited number of residential zones and subject to a CUP. The element should analyze the exclusion of these uses in all residential zones and the CUP requirement and add or modify programs to address the constraint.

Requests for Lesser Densities: The element must be revised to analyze requests to develop housing at densities below those anticipated in the sites inventory, including hinderance on the construction of a locality's share of the regional housing need.

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

The analysis of at-risk unit must estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This

cost analysis for replacement housing may be done aggregately and does not have to contain a project-by-project cost estimate.

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 have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines (e.g., at least annually or month and year) or timeframes earlier in the planning period. Examples include Programs 1.1.2 (Housing Rehabilitation), 1.1.3 (Community Education), 1.1.5 (Safe Housing Outreach), 2.1.3 (Meet with Potential Developers), 2.1.5 (Affordable Housing Program Inventory), 2.1.7 (Support Non-profit Housing), 2.1.9 (Unhoused Populations), 3.1.1 (Housing for Special Needs, 3.1.4 (Unhoused Population Coordination), 3.1.7 (Farmworker Housing), 3.1.9 (Housing and Services for those with Disabilities), 4.1.3 (Density Bonus Ordinance), 4.1.6 (Parking Requirements), 4.1.8 (Regional Fees) and 5.1.4 (Prioritize Hard to Serve Residents).

Additionally, programs should include specific commitment and actions toward beneficial impacts or housing outcomes. Program language such as “discuss”, “review”, “develop” and “explore” should be complemented or replaced with commitment such as adopt, pursue, apply or identify. Examples of programs that should be revised include Programs 2.1.9 (Unhoused Populations), 2.1.11 (Missing Middle Housing), 3.1.1 (Housing for Special Needs) and 3.1.7 (Farmworker 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 B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

- *Concurrent Rezoning*: HCD understands the City will be completing rezoning prior to the start of the planning period (January 31, 2023) to accommodate the RHNA, including for lower-income households. Please be aware, if rezoning is not completed by January 31, 2023, the element must include a program(s) to rezone sites with appropriate zoning and development standards pursuant to Government Code sections 65583, subdivision (c)(1), and 65583.2, subdivisions (h) and (i).
 - *Program 3.1.5 (Supportive and Transitional Housing)*: The Program currently conflates general requirements related to transitional and supportive housing and by-right permanent supportive housing (AB 2162). The program should make a clear and specific commitment to comply with both requirements.
 - *Replacement Housing Requirements*: The housing element must include a program to provide replacement housing. (Gov. Code, § 65583.2, subd. (g)(3).) The replacement housing program must adhere to the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).
 - *Large and Small Sites*: The element should include programs to encourage and facilitate development of housing for lower-income households on large and small sites. Examples of actions include amending zoning, establishing incentives and coordinating with property owners and developers.
3. *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 Finding B4, 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.

4. *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).)*

As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis.

5. *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 1.1.1 (Preserve At-risk Projects) should commit to comply with noticing requirements and coordinate with qualified entities.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

Program 2.1.8 (Promote Accessory Dwelling Units (ADU)) should commit to amend the ADU ordinance as necessary to comply with state law and monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., 6 months) if assumptions are not realized.

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).)

While the element includes quantified objectives for new construction, rehabilitation, and conservation by income group; it could consider quantified objectives for conservation (beyond at-risk preservation). For your information, the quantified objectives do not represent a ceiling, but rather set a target goal for the City to achieve, based on needs, resources, and constraints.

Resolution 2023-02 Housing Element Adoption

Final Audit Report

2023-01-05

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