DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF HOUSING POLICY DEVELOPMENT

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January 31, 2024

Christina Ratcliffe, Director Planning and Development Services City of Vallejo 555 Santa Clara Street City of Vallejo, CA 94590

Dear Christina Ratcliffe:

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

Thank you for submitting the City of Vallejo's (City) draft housing element received for review on November 2, 2023. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. HCD considered comments from Skylar Spear, Legal Advocates; David Kellogg, Greenbelt Alliance; Shannon McCaffery, Legal Services of Northern California; and Caroline Peattie and Savannah Wheeler, Fair Housing Advocates of Northern California, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due January 31, 2023. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

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 does not adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) (1) and 65583.2, subdivision (c). Please be aware, if the City does not adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

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.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

HCD appreciates the commitment and cooperation of the housing element update team during the update and our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Irvin Saldana, of our staff, at Irvin.Saldana@hcd.ca.gov.

Sincerely,

Paul McDougall

Senior Program Manager

Enclosure

APPENDIX CITY OF VALLEJO

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/planning-and-community-development/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/planning-and-community-development/housing-elements/building-blocks and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

<u>Special Housing Needs</u>: The element must provide an evaluation of the cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness) and revise programs as appropriate. In addition to evaluating progress or effectiveness of programs to address special needs groups, the element can also discuss the results, success, or lack of, challenges and opportunities from outreach, coordination, application for funding, incentives or other activities and then discuss potential strategies set forth in the current element to meet the need.

B. <u>Housing Needs, Resources, and Constraints</u>

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).)

Racially Concentrated Areas of Poverty (R/ECAPs): While the element identifies one census tract as an area of concentrated poverty, according to TCAC and HCD maps, two census tracts in Vallejo qualify as R/ECAPS or areas of High Segregation and Poverty. The element should provide a specific analysis of these areas including neighborhood conditions (e.g., housing, infrastructure, access to opportunities) relative to other neighborhoods and utilize local data knowledge and other relevant factors along with other components of the Affirmatively Furthering Fair Housing (AFFH) analysis to provide a complete analysis. For example, the element could examine past land use practices, investments, and quality of life relative to the rest of the City and

region and then formulate appropriate programs to promote more inclusive communities and equitable quality of life.

<u>Disproportionate Housing Needs Including Displacement</u>: The element includes some general information on persons experiencing homelessness but should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For instance, the element should examine disproportionate impacts on protected characteristics (e.g., race, disability) and patterns of need, including access to transportation and services. In addition, the element identifies that over 42.2 percent of all households are cost-burned, with renter households overpaying at rates around 55 percent. The element should be revised to include meaningful policies and programs that meet the need including any gaps of overpayment within the City, specifically for renter households.

Identified Sites and AFFH: While the element mentions housing options such as ADUs will enhance housing mobility opportunity, the element disproportionately concentrates the lower-income regional housing need allocation (RHNA) in areas with relatively lower median incomes, and in areas of high segregation. For example, approximately three-fourths of the lower-income RHNA will be accommodated in areas of high segregation and poverty and lower income median incomes. To identify sites that AFFH and promote more inclusive neighborhoods, the element should identify sites to accommodate the lower-income RHNA in relatively higher-income census tracts. For example, the element could identify sites to accommodate the lower-income RHNA in neighborhoods east of Highway 80 with existing higher median incomes. Generally, sites identified in areas near the City's Ferry station will only exacerbate existing conditions. In addition, the element should also consider the use of commercial and industrial zones to meet the RHNA. The element must analyze how development in these zones will improve AFFH conditions related to all components of the fair housing analysis.

Local Data and Knowledge and Other Relevant Factors: 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. Local data and knowledge and other relevant factors should complement federal, state, and regional data to better understand socio-economic patterns within the City and relative to the region, emerging trends, and salient needs. Local data and knowledge and other relevant factors should be used across all of the fair housing analysis components (e.g., segregation and integration, disparities in access to opportunity and disproportionate housing needs). Examples of local data and knowledge include information from local and regional advocates, City officials (e.g., planners, code enforcement, civil engineers, local legislators), past surveys and assessments, infrastructure investments to inform capital improvement plans, data used for applications for funding, service providers, developers, school representatives, regional planners, service districts and other sources. For example, the element should incorporate comments on this housing element review related to AFFH. Examples of other relevant factors include historical land use and investment practices or other information and demographic trends.

<u>Contributing Factors to Fair Housing Issues</u>: Depending on the outcomes of a complete analysis, the element should re-assess and prioritize contributing factors to fair housing issues. In addition, the element identifies many contributing factors to fair housing issues but must specifically prioritize these factors to better formulate policies and programs and carry out meaningful AFFH actions.

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).)

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

General: The element includes a quantification of housing needs, including special needs for the Solano County area. While HCD applauds the collaboration and broader efforts to address housing needs and this quantification is generally adequate, the element should also analyze the quantification to better understand housing needs and formulate appropriate policies and programs. Further, this analysis should be specific to the City of Vallejo. The City may consider a community specific profile to address this requirement. For more information, please see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks.

<u>Extremely Low-Income Households (ELI)</u>: While the element quantifies the number of existing ELI households by tenure, the element must still analyze their housing needs, including overpayment, overcrowding and other characteristics, resources and strategies and the magnitude of housing needs.

Farmworkers: While the element presents data on farmworkers within the County using USDA and ACS data, additional analysis must be included for farmworkers. The analysis may utilize past farmworker housing studies and other studies generally applicable to their special housing needs. For example, the element could utilize a recent study conducted by University California at Merced that is available at https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs_report_2.2.2383.pdf. Seasonal and permanent farmworkers often have unique living situations, as a result, the element should acknowledge the housing needs of permanent and seasonal farmworkers and should enhance existing policies and programs based on the analysis. For additional information, please see the Association of Bay Area Governments, (ABAG) farmworker tool kit: Farmworker Housing Toolkit | Association of Bay Area Governments (ca.gov).

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).)

<u>Progress toward the RHNA</u>: As you know, the City's RHNA may be reduced by the number of new units built since June 30, 2022; however, the element must demonstrate the affordability of units in the planning period based on actual sales price, rent level, or other mechanisms ensuring affordability (e.g., deed restrictions). This analysis should specifically address listed pipeline projects on (p. 4-15) (Table 5). The element must also discuss availability or likelihood the units will be built in the planning period and should account for any barriers to development, phasing, anticipated build out horizons, market conditions and other relevant factors to demonstrate their availability in the planning period.

Realistic Capacity: The element assumes realistic residential capacity based on income. For example, moderate and lower-income units were assigned a development capacity of 57 percent and 75 percent of the maximum allowed density regardless of the zone (p. 4-3). However, residential capacity assumptions should account dynamics within different zones. In addition, the element must account for the likelihood of 100 percent nonresidential development in nonresidential zones. For example, the element could analyze all development activity in these zones, 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 given the strong reliance on nonresidential zones to meet the RHNA.

<u>Sites Analysis</u>: The City provides a list of vacant sites to accommodate the City's RHNA (pp. 4-5-4-7); however, public comment received from Legal Services of Northern California, (LSNC) describes several sites in the inventory as nonvacant including several sites with infrastructure constraints. The element must demonstrate that each site is vacant, free of infrastructure constraints, and suitable for development as analyzed in the housing element.

<u>Environmental Constraints</u>: While the element generally describes environmental conditions within the City, it must describe any other known environmental constraints or conditions within the City that could preclude development on identified sites in the planning period (e.g., shape, access, easements, property conditions, airport compatibility, environmental overlays, contamination).

<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)).

Accessory Dwelling Units (ADU): The element projects 197 ADUs over the planning period or approximately 25 ADUs per year over the eight-year planning period. While assumptions are generally supported by trends, the element should include the most recent ADU data (2023) to further support assumptions. In addition, the analysis should be revised to include data on how many ADUs were constructed during the 5th cycle including how many ADUs were affordable to lower-income households. Lastly, the element should include additional incentives for the construction of ADUs that go beyond outreach and informational materials. Incentives may include ADU grant programs or low-interest loan programs, pre-approved site plans, and permissive development standards including additional ADU height allowance.

<u>Electronic Sites Inventory</u>: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at https://www.hcd.ca.gov/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.

<u>Map of Sites</u>: The element must demonstrate consistent site maps throughout the element, specifically between maps found on (pp. 4-8 to 4-13) and maps found in the elements AFFH section, specifically figure 5. For additional information, see the sites inventory analysis section of the *Building Blocks* at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/inventory-of-land-suitable.

Zoning for a Variety of Housing Types:

- Emergency Shelters: The housing element must demonstrate the permit processing, development, and management standards for emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters. In particular, the element describes development standards for emergency shelters; however, these standards are beyond the development standards allowed under law. The element must demonstrate that emergency shelters are subject to the same development and management standards applicable to residential or commercial development within the same zone except for those standards prescribed by Government Code section 65583 (a)(4)(A). Lastly, the element must also clarify that emergency shelters are allowed by-right and without discretionary action in the City's General and Light industrial zones.
- Large Residential Care Facilities: The element currently details that residential care facilities serving six or fewer persons are permitted in all residential zones. However, residential care facilities serving seven or more persons are limited to the same zones with the approval of a minor use permit. The element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty and similar to other residential uses of the same type in the same zone.

- By-Right Permanent Supportive Housing (AB 2162): Supportive housing shall be
 a use by-right in zones where multifamily and mixed uses are permitted,
 including nonresidential zones permitting multifamily uses pursuant to
 Government Code section 65651. The element must demonstrate compliance
 with these requirements and include programs as appropriate.
- <u>Single-Room Occupancy Units (SRO)</u>: SRO development standards are restrictive and place a constraint on the development of these units. The element must provide a program to address these standards and facilitate the construction of SROs.
- 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).)

<u>Fees and Exaction</u>: The element should analyze fees related to the City's Minor Use Permit cost as a potential constraint on housing supply and costs. Based on the outcomes of the analysis, the element should include programs to address identified constraints.

Local Processing and Permit Procedures: The element must provide a complete analysis on processing and permit procedures for Single-Family and Multifamily Development. The analysis should address the approval body, the number of public hearings, if any, approval findings and any other relevant information. In addition, the analysis should address impacts on housing cost, supply, timing, and approval certainty. For example, the element should analysis permitting requirements in nonresidential zones identified to meet the RHNA and include additional details on processing times and approval requirements for Multifamily projects above three units. Moreover, the analysis should evaluate Design Review Board (DRC) findings for objectivity and include programs if necessary to address identified constraints.

Finally, the element should discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

Housing for Persons with Disabilities (Definition of Family): The element should identify any standing definition of family and include a program to amend the definition if constraints are identified as barriers to housing for persons with disabilities.

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

5. An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ...requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)

<u>Permit Times</u>: The element must include an analysis of requests to develop housing at densities below those identified in the site inventory; and must analyze the length of time between receiving approval for a housing development and submittal of an application for building permits. The element mentions the length of time between project approval in many cases is determined by the applicant (p. 4-53). However, the element should still quantify the length of time. Based on the length of time, the element should analyze any hinderances on the construction of a locality's share of the regional housing need and add or modify programs as appropriate.

C. <u>Housing Programs</u>

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 achieve the goals and objectives of the housing element, programs must have specific commitment to housing outcomes and refrain from language such as "explore" while also having discrete timing (e.g., at least annually or by January 2024). Examples of programs to be revised include:

Examples of programs to be revised with discrete timing include:

- Funding for Affordable Housing (B.2.1.3)
- Rental Property Inspection (G.5.1.1)

Examples of programs to be revised for specific commitments:

- Removal of Governmental Constraints (A.3.1.1)
- Sweat Equity for Homeownership (D.1.1.1)
- Reasonable Accommodational and Universal Design (E.1.1.4)
- Extremely Low-Income Housing (E.1.1.6)
- Code Enforcement Program (G 3.1.1)
- Rental Property Inspection (G.5.1.1)
- Objective Design Standards (H.3.1.1)

Examples of programs to be revised with quantified objectives or increase quantified objectives include:

- Senior Housing Need (E.1.1.2)
- Reasonable Accommodational and Universal Design (E.1.1.4)
- Housing Discrimination Monitoring Program (F.1.1.1)
- Improve Access to Resources (F.1.1.2)
- Rent Monitoring Program (F.1.1.3)
- Vallejo Community Public Safety (G.4.1.1)
- Rental Property Inspection (G.5.1.1)
- Neighborhood Park Access (H.1.1.1)
- Transit Oriented Development (H.2.1.1)
- Downtown Vallejo Specific Plan, Sonoma Blvd Specific Plan (H 2.1.2)

Lastly, several actions commit to "explore" or "study" programmatic action. While these efforts are important and meaningful, these efforts should be complimented by additional steps that lead to housing outcomes. Examples include Program B.2.1.1 (Inclusionary Ordinance) Program B.2.1.2 (Commercial Linkage Fee) and lastly Program F.1.1.3 (Rent Monitoring Program).

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:

<u>Program A.3.1.1 (Remove Governmental Constraints)</u>: In addition to allowing residential uses in zones identified to meet the City's emergency shelter requirements, the element must commit to comply with all requirements of Chapter 654, Statues of 2022 (AB 2339). For more information, please see HCD's guidance at: https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf.

3. The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)

<u>Program E.1.1.6 (Extremely Low-Income Housing)</u>: The Program should more explicitly commit to regulatory incentives such as listing potential incentives and include a timeframe for implementation of incentives.

<u>ELI Households and Farmworkers</u>: Pending a complete ELI and Farmworkers analysis, the element may need to include additional programmatic actions to address the need and meet any gaps in resources include in the element.

4. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)

As noted in Findings B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised, as follows:

<u>Program A.3.1.1 (Remove Governmental Constraints)</u>: The Program should be revised to allow large residential care facilities as a permitted use similar to other residential uses of the same type in the same zone.

<u>Program E 1.1.4 (Reasonable Accommodations and Universal Design)</u>: Reasonable accommodation procedures, exemptions, and findings restrict the City's ability to grant accommodations and are a barrier to housing for those experiencing disabilities. The Program must commit to eliminating these barriers.

5. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)

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. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numeric objectives and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

In addition, the following programs should be revised with geographic targeting:

- Sweat Equity Homeownership (D.1.1.1)
- Senior Housing Needs (E.1.1.2)
- Improve Access to Resources (F.1.1.2)
- Rent Monitoring Program (F.1.1.3)
- Vallejo Community Public Safely (G.4.1.1)
- Rental Property Inspection (G.5.1.1)
- Transit Oriented Development (H.2.1.1)
- Downtown Vallejo Specific Plan, Sonoma Blvd Specific Plan (H 2.1.2)
- Objective Design Standards (H.3.1.1)

Lastly, there are no areas of high resource in Vallejo; therefore, this geographic targeting will need to be revised as applicable. The element may use targeting such as, areas of relatively higher income, or higher geographic opportunity.

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).).

<u>Program A.3.1.1 (Remove Governmental Constraints)</u>: ADUs and Junior Accessory Dwelling Units (JADU) must be permitted in all zones that allow residential uses. In addition, and in the interim, until the City adopts an ADU ordinance compliant with state law, the element should commit to defer to state ADU and JADU laws.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd. (c)(9).)

As a reminder, 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 must 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. Moreover, the City's consideration of public comment shall not be restricted by the findings in this review. HCD received many meaningful comments as part of this review such as comments related to fair housing education and enforcement, source of income, tenant protections, suitable sites, and specific commitment in housing programs. HCD urges the City to diligently consider these comments and make revisions, as appropriate.