

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



March 15, 2024

Doreen Liberto, Director
Community Development Department
City of King
212 South Vanderhurst Ave
King City, CA 93930

Dear Doreen Liberto:

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

Thank you for submitting the City of King's draft housing element that was received for review on December 18, 2023. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from LandWatch and David Kellogg 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 (Gov. Code, § 65580 et seq). The enclosed Appendix describes these, and other 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.

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 Affordable Housing and Sustainable Communities program, 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 effort and cooperation provided during the 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 Mao Lee, of our staff, at Mao.Lee@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 KING

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).)

The element must evaluate the previous element and implementation for progress in implementation, effectiveness of programs in achieving objectives and conclude the appropriateness of programs for the new planning cycle. The element includes some discussion of past programs but in some cases does not discuss progress in implementation and in most cases, does not evaluate the effectiveness of programs in achieving objectives. To address this requirement, the element could utilize a format that clearly addresses all three of these evaluation criteria. HCD will send samples under separate cover.

In addition, the element includes some discussion of programs intended to address special housing needs but should still include an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of all special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Enforcement and Outreach: The element must describe capacity to provide enforcement and outreach which can consist of actions such as the ability to investigate complaints, obtain remedies, or engage in fair housing testing. The element currently described the City will obtain and disseminate information provided by the Fair Housing Council of Monterey County (Housing Resource Center) but should also describe the number and characteristics of housing discrimination complaints (page 141). The analysis could evaluate data and the results from any fair housing testing. In addition, the analysis must address compliance with existing fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgements, or complaints. The city should also compare city data to surrounding jurisdictions. For additional information, please see pages 28-30 on HCD's Affirmatively Furthering Fair Housing (AFFH) Guidance Memo at https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf.

Assessment of Fair Housing: The element did not address this requirement. A complete analysis should include data and maps on all fair housing components and analyze this data for patterns and trends at a local (neighborhoods within the City) and regional level (the City compared to the region) including disparities in access to opportunity, segregation and integration, racially/ethnically concentrated areas of poverty and disproportionate housing needs, including displacement risk. In addition to evaluating trends and patterns, the element should analyze coincidences across components of the assessment of fair housing. For example, an area of higher poverty may coincide with high displacement risk. Lastly, the assessment should be complemented by local data and knowledge and other relevant factors and add or modify goals and actions as appropriate.

Identified Sites and AFFH: While the element provided a map of identified sites, it must evaluate sites relative to the full scope of assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity and disproportionate housing needs). In addition, the element should discuss how identified sites AFFH. This analysis should discuss the regional housing need allocation (RHNA) by income group for identified sites, including approved and pending development, the location of identified sites compared to all components of the assessment of fair housing and analyze whether the location of sites AFFH, including whether identified sites improve or exacerbate socio-economic concentrations.

Local Data and Knowledge, and Other Relevant Factors: The element does not address this requirement. 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. Also, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use and investment practices or other information and demographic trends.

Contributing Factors to Fair Housing Conditions: Upon a complete analysis of AFFH, the element should assess and prioritize contributing factors to fair housing issues.

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).)

Extremely Low-Income (ELI) Households: The element must analyze the existing and projected housing needs of ELI households. For projected housing needs, the element can calculate ELI households by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of the RHNA for very low-income households qualify as ELI households. For existing housing needs, the element should analyze trends, cost burden, overcrowding and other household characteristics then examine the effectiveness of policies and resources to determine gaps in addressing housing needs. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

Housing Conditions: The element mentions the building official routinely inspects housing and that most multifamily is in satisfactory condition but should also include an estimate of the number of units in need of rehabilitation and replacement in the City. The estimate can be based on building officials' inspection and could also distinguish between single-family, multifamily and mobile homes to better formulate appropriate policies and programs.

Housing Costs: The element includes information on sales prices and rents based on data from the American Community Survey (ACS) but should also utilize more current data (e.g., Zillow, Apartments.com) to better reflect market conditions.

Special Housing Needs: The element should quantify and analyze the needs of persons with developmental disabilities and persons experiencing homelessness in the City. Further, while the element includes data on farmworkers, it should analyze their housing needs to better formulate policies and programs. The analysis should address trends, characteristics, disproportionate needs, the effectiveness of resources and strategies, the magnitude of the housing need, including disproportionate housing need and the effectiveness of past policies, programs, and funding to help address those gaps. The analysis may utilize past farmworker housing studies and other studies generally applicable to their special housing needs.

For example, the element could utilize past studies and plans in the Monterey region or 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. Based on the outcomes of the analysis, the element should add or modify programs to address this special housing need in the region.

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).)*

Progress toward the RHNA: The element may utilize pending, approved or permitted projects (Pipeline) since June 30, 2023 toward the RHNA. The element includes discussion of some pending and approved projects but does not clearly list which projects are being utilized toward the RHNA and appears to list some pipeline projects as identified sites. The element should clearly list which pipeline projects are being utilized toward the 6th cycle RHNA and then demonstrate their affordability and availability or likelihood of being built in the planning period. The element should demonstrate affordability based on anticipated or actual sales or rents or other mechanisms that ensure affordability (e.g., deed-restrictions). For availability, the element should discuss status, remaining steps and any know barriers to development in the planning period. Lastly, given the reliance on pipeline projects, the element should include a program to monitor progress toward completion in the planning period and at a specified date (e.g., 2027) evaluate whether the pipeline projects will likely be completed in the planning period and if not, identify alternative measures (e.g., rezoning) by a specified date.

Parcel Listing: The element lists parcels by various factors such as size and zoning. However, the element must also list sites by existing uses for nonvacant sites, number of units that can be realistically accommodated and anticipated affordability (lower-, moderate- and above moderate-income).

Realistic Capacity: While the element provided assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on land use controls and site improvements and typical densities of existing or approved residential developments at a similar affordability level.

In addition, the element appears to assume residential development on sites with zoning that allow 100 percent nonresidential uses. The calculation of realistic residential capacity must account for the likelihood of 100 percent nonresidential uses. For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculation, policies and program accordingly.

Suitability of Nonvacant Sites: The element did not address this requirement. The element must include an analysis to demonstrate the potential for redevelopment. The analysis shall consider factors including, but not limited to, the extent existing uses constitute an impediment, recent developments, development trends and market conditions.

Small and Large Sites: Sites larger than ten acres in size or smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless sites of equivalent size and affordability were developed in the prior planning period or the element demonstrates, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. For small sites, the element should provide specific examples with the densities, affordability and, if applicable, circumstances leading to consolidation. The element should relate these examples to the sites identified to accommodate the RHNA for lower-income households to demonstrate that these sites can adequately accommodate the City's lower-income housing need. For large sites, the element must provide evidence to demonstrate the suitability of sites larger than ten acres to accommodate housing for lower-income households. The evidence could include additional discussion on how development might occur on the sites, analysis of prior redevelopment of large sites for affordable housing, or other evidence to demonstrate the suitability of these sites. Based on a complete analysis, the City should consider adding or revising programs to include incentives for facilitating development on small and large sites.

Infrastructure: While the element generally describes infrastructure, it should clarify whether there is sufficient total capacity (existing and planned) to accommodate the RHNA. Further, based on the outcomes of a complete analysis, the element should add or modify programs to address any infrastructure challenges.

In addition, while the element includes Program 1 (Emphasize Infill Development) to coordinate with water and sewer providers, it should clarify whether the City is the City sewer provider and if so, modify programs to establish a written procedure to grant priority service to development with units affordable to lower-income households.

Environmental Constraints: While the element discussed environmental constraints, it should also relate these constraints to identified sites and address any other conditions that could preclude development in the planning period. Examples of other conditions include shape, access, contamination, relocation, title conditions, historic preservation, easements, conservation easements, agricultural easements, Williamson Act contracts and airport compatibility.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods generally shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within one or three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period. The program should rezone and permit housing developments with 20 percent affordability by-right (without discretionary

action) at appropriate densities pursuant to Government Code section 65583.2, subdivision (c)).

Electronic Sites Inventory: 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/planning-and-community-development/housing-elements> 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*: While the City mentions emergency shelters are permitted by-right in the C-2 zoning district, it must still demonstrate appropriate zoning and adequate capacity to accommodate the need for emergency shelters. The analysis should:
 - Clarify whether shelters are permitted without discretionary action.
 - Analyze the actual development standards, including parking requirements that should be limited to the number needed for staff.
 - Describe the suitability of capacity, including acreage, parcel sizes and whether existing uses impede additional development and proximity of acreage to transportation and services.
 - Describe the definition of emergency shelters and consistency with statutory requirements to include interim interventions.
- *Low Barrier Navigation Centers*: Low Barrier Navigation Centers 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 65660. The element must demonstrate compliance with this requirement and include programs as appropriate.
- *Supportive and Transitional Housing*: The element noted that supportive and transitional housing are permitted in the C-2 Zoning District. However, the analysis should be revised to indicate whether transitional and supportive housing are allowed in all other zones that allow for residential uses (e.g., R-1, R-2, R-3, R-4 zones, etc.). The element should clarify whether the City permits these types of housing as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone pursuant to Government Code section 65583 (a)(5).
- *By-right Permanent Supportive Housing*: By-right Permanent 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.

- *Accessory Dwelling Units (ADUs)*: The element notes the City recently adopted an ADU ordinance. However, the element should contain a program that modifies the ADU ordinance as necessary upon HCD review.
 - *Employee Housing*: The element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. The element appears to indicate (Table 6.3.1) that these uses are subject to a conditional use permit (CUP). The element should either clarify these uses are not subject to a CUP or add or modify programs to comply with these requirements. In addition, section 17021.8 requires that a development is subject to a streamlined, ministerial approval process and is not subject to a CUP if the development is an eligible agricultural employee housing development. Based on a complete analysis, the element should add or modify programs.
 - *Single Room Occupancy (SRO)*: The element should describe whether the City allows SROs, clarify which zones allow the use, analyze whether development standards encourage the use and add or modify programs as appropriate.
 - *Manufactured Housing*: The element appears to include a program (Program 7 – allow mobile homes) intended to amend zoning to permit manufactured housing on a foundation as a single-family use but does not clearly commit to comply with statutory requirements. The element should clarify whether zoning complies with Government Code section 65852.3 and modify programs, as appropriate.
4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls as potential constraints on housing cost, supply (number of units) and ability to achieve maximum densities. The element lists development standards but should also analyze those development standards. For example, the element could seek input from the development community or utilize a hypothetical project to demonstrate the appropriateness of land use controls. The analysis should specifically address heights for multifamily uses and parking requirements for smaller bedroom types (e.g., studios and one bedrooms). Based on the outcomes of a complete analysis, the element should add or modify programs to mitigate or remove any identified constraints.

State Density Bonus Law (SDBL): The element should describe the City's ordinance to implement SDBL (Gov. Code, § 65915), evaluate compliance and, if necessary, add or modify programs to revise the ordinance.

Local Processing and Permit Procedures: While the element included information about processing timelines and permit procedures, it should also address the number of public hearing if any, approval findings and any other relevant information (pp. 106-109). The analysis should also specifically address approval findings (e.g., architectural review) for typical development that are consistent with zoning. Further, the analysis should specifically address CUP requirements for multifamily developments as a constraint. Based on the outcomes of a complete analysis, the element should include programs to address or mitigate identified constraints.

In addition, the element should clarify whether the City has procedures consistent with streamlining procedures pursuant to Government Code section 65913.4 (SB 35) and include programs as appropriate.

Finally, the element should address public comments on this revised draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

Fees: The element discusses the cumulative impact of fees on development costs but should also list the fees that comprise the cumulative amount of fees per unit and analyze those fees individually and cumulatively. In addition, the element should list and analyze planning fees (e.g., rezone, CUP, variance) for impacts on development costs.

On-/Off-Site Improvements: While the element includes a general discussion of on-/off-site improvements (p. 100), it must specifically identify subdivision level improvement requirements for a typical development, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and cost.

Zoning and Fees Transparency: The element discussed posting permitting process and code enforcement on the City's website but should clarify its compliance with new transparency requirements for posting fees, all zoning and development standards for each parcel on the jurisdiction's website (pp. 136-137).

Housing for Persons with Disabilities (Large Residential Care Facilities Seven or more persons): While the element revised Program 12 (Group Home Program) to permit large residential facilities with a Conditional Use Permit (CUP) based on objective standards, the element must also allow large residential care facilities in all zones that allow residential uses. Currently, the element limits this housing type to General Commercial District zones (page 94).

Constraints on Housing for Persons with Disabilities (Family Definition): Zoning should implement a barrier-free definition of family. The element must identify and analyze the City's definition of family as a potential constraint on housing for persons with disabilities and include programs as appropriate.

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).)*

Requests for Lesser Densities and Time between Approval and Building Permit: 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 should analyze any hinderances on the construction of a locality's share of the regional housing need and add or modify programs as appropriate.

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

The element lists some at-risk units and as a result, should include analysis including an assessment of risk, estimate of replacement versus preservation costs, identification of qualified entities that can acquire and manage at-risk properties (qualified entities) and potential funding resources. Further, based on the outcomes of a complete analysis, the element may need to add or modify programs to preserve at-risk properties. Examples of actions include ensuring compliance with noticing requirements, coordinating with qualified entities, assisting with funding, or supporting applications for funding and educating and supporting tenants.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and address the goals of the housing element, the following programs must be revised with discrete timelines (e.g., by 2027, annually).

- *Program 1 (Emphasize Infill Development):* The Program should commit to when heights will be revised.

- *Program 3 (Future Housing Sites for Lower-income Residents)*: The Program timeframe of 2016 should be updated for the current planning period.
 - *Program 4 (Partner with the Development Community)*: The Program should proactively commit to identify development opportunities at least every other year.
 - *Program 5 (Reduce Barriers to Creating Multifamily Housing)*: The Program should specifically commit to amending land use and zoning designations (beyond reviewing) and when designations will be amended.
 - *Program 7 (Allow Mobile Homes)*: The Program timeframe of 2016 should be updated for the current planning period.
 - *Program 10 (Agricultural Employee Housing)*: The Program should commit to a discrete timeline (e.g., by 2025).
 - *Program 13 (Reasonable Accommodation)*: The Program should commit to a discrete timeline (e.g., by 2025).
 - *Program 16 (Smart Planning Initiative)*: The Program should commit to a discrete timeline (e.g., by 2025).
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.

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).)*

Special Housing Needs: While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing for all special needs households (e.g., elderly, homeless, farmworkers, persons with disabilities, including developmental disabilities, female-headed households). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and

offering financial incentives or regulatory concessions to encourage a variety of housing types.

In addition, based on the outcomes of a complete analysis, the element should add or modify specific actions to assist in the development, conservation, and improvement of housing for farmworkers. Examples of actions include proactive outreach with non-profit developers to identify development opportunities, targeted rehabilitation, and other efforts to conserve and improve the existing housing stock, assisting with funding and incentives, integrating housing for farmworker into affordable housing, regional coordination with stakeholders and employers on strategies and approaches and addressing zoning and land use that can constrain housing types.

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, Program 11 (Group Home) should specifically commit to permit group homes for seven or persons (regardless of licensing) in all zones allowing residential uses with objectivity to promote approval certainty and similar to other residential uses of the same type in the same zone.

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... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement, new housing choices and affordability in higher opportunity or higher income areas, place-based strategies for community revitalization and displacement protection.

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).)*

Programs must be expanded to include incentives to promote the creation and affordability of ADUs. Examples include exploring and pursuing funding, modifying development standards, and reducing fees beyond state law, increasing awareness, pre-approved plans, and homeowner/applicant assistance tools.

D. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

The element includes quantified objectives by some income groups but should also include objectives for ELI households. Further, while the element includes quantified objectives for rehabilitation, it should also include conservation objectives. Conservation objectives may include units at-risk of conversion and a variety of activities that promote safe and stable housing such as code enforcement and tenant protections.

E. Public Participation

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

The element describes some outreach methods such as surveys and public workshops but, moving forward, should consider additional methods of public participation such as steering committees or stakeholder interviews. In addition, the City must make specific efforts to reach lower-income and special needs households, including outreach to representative organizations and affordable housing developers. In addition, the element briefly describes input but should also discuss how the input was incorporated into the element.

F. General Plan Consistency

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

While the element includes some general discussion of needed amendments to the general plan, it should also discuss how internal consistency will be achieved as part of the housing element update and how internal consistency will be maintained throughout the planning period. For example, the City could consider an internal consistency review as part of its annual general plan implementation report required under Government Code section 65400.