

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

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October 1, 2021

Romualdo Medina, City Manager
City of Calipatria
125 North Park Avenue
Calipatria, CA 92233

Dear Romualdo Medina:

RE: City of Calipatria's 6th Cycle (2021-2029) Draft Housing Element Update

Thank you for submitting the City of Calipatria's draft housing element received for review on August 2, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on September 29, 2021, with Consulting City Planners, Denise Marin and George Galvan.

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 revisions needed to comply with State Housing Element Law.

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

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

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.

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/>.

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.

HCD appreciates the dedication Denise Marin and Jeorge Galvan provided during 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 Dulce Ochoa, of our staff, at Dulce.Ochoa@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 CALIPATRIA

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

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

A. Review and Revision

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

The element must include a program-by-program review including progress in implementation, effectiveness of programs in meeting goals and objectives and the resulting appropriateness of actions moving forward into the housing element update. The element includes some broad description of progress in implementation, but it must also address the effectiveness of programs in meeting goals and objectives and the appropriateness of actions moving forward in the housing element update. For example, the element includes a table to address these requirements, but some portions appear incomplete. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/review-revise.shtml>.

In addition, the element must also provide an evaluation of the 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).

B. Housing Needs, Resources, and Constraints

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

The element provides some general information on the City's dissimilarity index score and access to opportunity. However, the element generally does not address this requirement. The element, among other things, must include outreach, an assessment of fair housing, analysis of the sites inventory, identification, and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. For further guidance, please visit HCD's AFFH in California webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>. In addition, HCD will provide additional guidance and samples to assist the City in meeting these requirements.

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).)*

Extremely Low-Income Households (ELI): While the element identifies the projected number of ELI households, it must still analyze their existing housing needs. This is particularly important given the unique and disproportionate needs of ELI households. For example, the element could analyze tenure, cost burden, overcrowding and other household characteristics then examine trends and the availability of resources to determine the magnitude of gaps in housing needs. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml>.

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

Housing Conditions: The element identifies the age of the housing stock and estimates of rehabilitation needs based on the age of the housing stock. However, the age of the housing stock alone may misrepresent the units in need of rehabilitation and replacement. The element should include additional information to estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.

Vacancy Rate: The element identifies a vacancy rate of approximately 30 percent (p. 33). This figure is atypical and should be more closely evaluated for its impact on the housing stock and potential policies and programs.

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

Parcel Listing: The element lists parcels by various statutory factors such as parcel number, size, general plan, and zoning designation. However, the calculation of the number of units by income group does not appear to be consistent with capacity assumptions. For example, a 6.5-acre R-2 zoned site is listed with capacity for 149 units for lower-income, 149 units for moderate-income and 149 units for above moderate-income (a total of 447 units) but the total capacity is listed as 149 units. The calculation of residential capacity should be corrected as appropriate.

Realistic Capacity: The element assumes 100 percent of maximum allowable densities will be achieved but does not provide support for these assumptions. The element should demonstrate what specific trends, factors, and other evidence led to the assumptions or adjust assumptions as appropriate. The estimate of the number of units

for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. If the City does not have recent experience to support these assumptions, it may conservatively reduce assumptions to less than 100 percent of maximum allowable densities (e.g., 60-70 percent of maximum allowable densities) and include examples of nearby and comparable communities to support more realistic assumptions.

City-owned Sites: The sites inventory identifies City-owned sites. The element must include an analysis to demonstrate their suitability and availability in the planning period. Specifically, the analysis should address existing uses, any known conditions that preclude development in the planning period and the potential schedule for development.

Sites Identified in Prior Planning Period: Sites identified in prior planning periods (two planning periods for vacant sites) shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within 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.

Sites with Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element must clarify which zone(s) permit emergency shelters without discretionary action and demonstrate the zone(s) have sufficient capacity to accommodate the identified housing need for emergency shelters. (Gov. Code, § 65583, subd. (a)(4).) For example, the element should describe typical parcels sizes, whether the sites are nonvacant, and the potential for reuse opportunities. Additionally, the element must also identify actual development standards and analyze those standards as potential constraints. For example, the element should describe how emergency shelter parking requirements comply with AB139 or include a program to comply with this requirement.
- *Housing for Farmworkers:* Health and Safety Code section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. The element must demonstrate zoning is consistent with this requirement or add or modify programs as appropriate.
- *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.
- *Permanent Supportive Housing:* 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 this requirement and include programs as appropriate.

5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Fees and Exaction: While the element includes various information on the cumulative impacts of fees on housing development (Table 27), it must also list and analyze planning fees such as fees for a conditional use permit, rezone or variance. The analysis must address impacts on housing cost and affordability.

Processing and Permit Procedures: The element describes that multifamily and large single-family subdivisions are subject to Planning Commission or City Council review, but it should also analyze the typical procedures. Specifically, the analysis should address the typical or anticipated number of hearings and approval findings for impacts on timing, cost, supply, and approval certainty. The element must add or modify programs as appropriate based on the outcomes of this analysis.

Constraints on Housing for Persons with Disabilities: The element must include an analysis of potential constraints on housing for persons with disabilities. Specifically,

- *Reasonable Accommodation:* The element briefly mentions a reasonable accommodation procedure but also should describe the procedure and evaluate impacts, including identifying and analyzing findings of approval.
- *Group Homes for Seven or More Persons:* The element excludes group homes for seven or more persons from some residential zones and subjects them to a conditional use permit, unlike other similar uses. The element should specifically analyze these constraints for impacts on housing supply and choices, approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate.
- *Definition of Family:* The element must identify and evaluate the City's definition of family and include programs as appropriate.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures to implement SB 35 (Chapter 366, Statutes of 2017) and add or modify programs to establish a procedure if necessary.

Zoning, Development Standards and Fees: The element must clarify whether the community complies with new transparency requirements for posting all zoning, development standards and fees or include programs as appropriate.

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

housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)

Approval Time and Requests for Lesser Densities: The element must analyze requests to develop housing at densities below those anticipated in the sites inventory and the length of time between receiving approval for housing development and submittal of application for building permits. The analysis must address any hinderances on housing development, and programs should be added as appropriate.

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

Persons with Developmental Disabilities: The element must identify and analyze the number of persons with disabilities by type (e.g., ambulatory, hearing difficulty).

Homeless: The element includes the 2020 Point in Time Count for Imperial County (p. 31). However, the element must also include local estimates for persons experiencing homelessness in Calipatria. Based on the conversation between HCD and the City, the needs of persons experiencing homeless are minimal to none. However, many times a population may not be visible or persons or households are at-risk of being homeless. To address this requirement, the element could engage with local service providers or other local knowledge to estimate a magnitude of the need (e.g., 0 to 50 persons) which will better facilitate formulating policies and programs.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

Programs must include definitive implementation timelines to demonstrate a “beneficial impact” in the planning period. Several programs include timelines such as “by the end of 2029”. These programs must be revised with discrete timelines. For example, the following programs should be revised: Programs 1 (First-Time Homebuyer Program), 3 (Self-Help Housing Program), 7 (Planned Unit Development Program), 8 (Tax Credit Rental Projects), 18 (Development Impact Fee/Infrastructure Assessment), and 22 (Farmworker Prioritization for Housing 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 B4, 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).)*

The element must include programs to assist in the development of housing for lower- and moderate-income households, including special needs households. Specifically, programs should be added or modified to address the needs of farmworkers and all special needs households. (e.g., persons with disabilities, persons with developmental disabilities, elderly, large households, etc.) For example, the element could commit to proactive actions to coordinate with non-profit developers, employers or service providers, and other related organizations, to explore funding and incentives and to identify specific development opportunities. In addition:

- *Program 8 (Tax Credits):* The Program should include specific commitment to reach out to developers of affordable housing annually.
- *Program 2 (Density Bonus and Incentives):* The Program should be revised with explicit commitment to adopt an ordinance in compliance with Government Code section 65915,

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

As noted in Findings B5 and B6, the element requires a complete analysis of potential governmental and 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.

5. *Promote AFFH opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section*

12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)

As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs.

6. *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. (Gov. Code, § 65583, subd. (c)(7).)*

Accessory Dwelling Units (ADUs): The element must include a program to incentivize and promote ADU development for lower and moderate-income households. Examples include exploring and pursuing funding, modifying development standards, and reducing fees beyond state law, pre-approved plans, and homeowner/applicant assistance tools. In addition, the element should include actions to adopt an ordinance or procedure to comply with ADU law pursuant to Government Code section 65852.2.

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 does not address this requirement and must include quantified objectives estimating the number of housing units by income category, including extremely low-income that can be constructed, rehabilitated, and conserved over a five-year time period. This requirement could be addressed by utilizing a matrix like the one illustrated below:

Income	New Construction	Rehabilitation	Conservation/ Preservation
Extremely Low-			
Very Low-			
Low-			
Moderate-			
Above Moderate-			
TOTAL			

E. Public Participation

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

While the element describes hosting two community workshops (p. 6), moving forward, the City should employ additional methods for public outreach efforts, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. In addition, the element should also summarize the public comments received and describe how they were considered and incorporated into the element. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.

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).)

The element must describe how the housing element is internally consistent with the rest of the general, including any information to demonstrate what was conducted to achieve and maintain internal consistency as part of this update. The element must include more specific discussion on how consistency across the general plan was achieved and how it will be maintained during the planning period. For additional information and a sample program, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/analysis-consistency-general-plan.shtml>.