

**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



May 8, 2023

Chuck Beatty, Manager
Planning Department
Amador County
810 Court Street
Jackson, CA 95642

Dear Chuck Beatty:

RE: Amador County's Multi-Jurisdictional 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the draft of Amador County's multi-jurisdictional housing element that includes the Cities of Amador City, Lone, Jackson, Plymouth, and Sutter Creek. The multi-jurisdictional housing element was received for review on February 8, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD commends the collaborative efforts of the Amador County multi-jurisdictional effort and the participation of the jurisdictions in the multi-jurisdictional housing element process. 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 findings listed in the body of this letter apply to all jurisdictions contained in the multi-jurisdictional element. This letter also includes a separate appendix with specific findings for each jurisdiction. The findings applicable to all jurisdictions in the main body of the draft housing element are as follows:

1. *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 mentions a few programs were implemented and that some housing may accommodate special needs households but should instead review the various programs and whether the programs were cumulatively effective in addressing all special needs populations (i.e., elderly, persons with disabilities, large households, female headed households, farmworkers, and persons experiencing homelessness). For example, the element could inventory all special housing needs related programs, discuss implementation or lack of

implementation efforts, evaluate cumulative effectiveness then discuss the appropriateness of actions in the current planning period.

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).)

Housing Needs Assessment: The element includes a quantification of housing needs, including special needs for the Amador 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 for each of the jurisdictions to better understand housing needs and formulate appropriate policies and programs. An analysis should generally address trends, characteristics, magnitude of needs, resources and potential strategies and should at least be conducted for population growth, employment, tenure, overpayment, overcrowding, housing unit types, extremely low-income households, and all special needs households. To address this requirement, a community specific profile could be added to each of the City's annex sections.

Extremely Low-Income Households (ELI): The element lists some occupations and wages earned by ELI households then briefly mentions ELI households are roughly 10 percent of the population and over 80 percent overpay for housing. However, the element should include a specific analysis of ELI households and particularly evaluate the disproportionate impact on housing situations and needs, including overpayment, overcrowding, transportation and housing costs and other characteristics, resources and strategies and the magnitude of housing needs.

Special Housing Needs (Farmworkers): The element notes that Amador County is one of the principal viticulture regions of California then generally explains that the housing needs of farmworkers are minimal based on American Community Survey data which is potentially a significant undercount of farmworker housing needs. Given the importance of the viticulture industry and the disproportionate housing needs of farmworkers, the element should more closely examine the housing needs

of farmworkers. For example, the analysis could address household characteristics, income, challenges faced by the population, the existing resources to meet those needs, an assessment of any gaps in resources, 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 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_2.2383.pdf. Based on the outcomes of the analysis, the element should add or modify programs to address this significant special housing need in the region.

3. *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).)*

Regional Analysis: The element includes some brief statements comparing Amador County to the broader region but should specifically analyze these differences to better formulate appropriate policies and programs. This analysis should address segregation and integration (e.g., race, disability, income), disparities in access to opportunity and displacement risk.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): While the element includes some broad discussion of identified sites and different components of fair housing (e.g., segregation and integration and disparities in access to opportunity), it should evaluate identified sites and AFFH as part of each jurisdiction annex. Further, this analysis should utilize local data and knowledge to examine the potential impacts of identified sites on existing socio-economic characteristics.

Local Data and Knowledge: State and federal data and mapping should be complemented by local data and knowledge, particularly in rural areas due to factors like sampling and the relationship between census tracts and city boundaries. While the element incorporates outreach efforts, it should utilize other local data and knowledge to better examine fair housing patterns and trends. The element should incorporate any relevant past surveys, assessments and plans as well as utilize the local knowledge of County, City, or other related officials and service providers.

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

Progress in Meeting the Regional Housing Need Allocation (RHNA): The RHNA may be reduced by the number of new units built, permitted, approved, or pending since January 1, 2019; however, the element must demonstrate their affordability and availability in the planning period. Affordability should be demonstrated based on actual or anticipated rents or sales prices or other mechanisms ensuring affordability (e.g., deed-restrictions). Availability should address the status, anticipated completion, any barriers to development and other relevant factors such as build out horizons, phasing, and dropout rates to demonstrate the availability or likelihood of development in the planning period.

Realistic Capacity: The element generally explains sites will be developed at 80 percent of the maximum allowable densities in residential zones and 50 percent of the maximum allowable densities in commercial and mixed-use zones. The element also includes Program 17 to require new development at 75 percent of maximum allowable densities. However, the element should be revised as follows:

- *Residential Zones:* The element should either assume 75 percent of maximum allowable densities or provide information and analysis to support the 80 percent of maximum allowable densities assumption. Supporting information should list recent developments by number of units, zone, allowable density, built density, affordability, and use of exceptions such as state density bonus law.
- *Commercial and Mixed-Use Zones:* While the element conservatively assumes only 50 percent of maximum allowable densities in these zones, these zones allow 100 percent nonresidential uses and the element should discuss the likelihood of a residential component and adjust assumptions as appropriate. For example, the element should examine all development (residential and nonresidential) in these zones, discuss how often a residential component occurs then either support or rescale the assumption. Alternatively, the element should add a program to require a residential component.

Environmental Constraints: The element broadly discusses environmental constraints but should relate these constraints to identified sites. Particularly, the element should discuss whether these constraints preclude or significantly impact the feasibility of development on identified sites. In addition, this analysis

should address any other known conditions that preclude or significantly impact the feasibility of development on identified sites. Examples include shape, conditions, restrictions, airport compatibility, contamination and easements, including conservation easements.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, an electronic sites inventory must be submitted with the adopted housing element. The inventory 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 more information.

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).)*

Processing and Permit Procedures: For most jurisdictions, the element discusses planned development zones, planned development overlay zones or other flexible zoning techniques. The element should clearly describe whether these zones and processes are required or optional for development applicants. If required, the element should discuss whether fixed development standards are available and if not, analyze impacts on housing supply (number of units), cost, timing and approval certainty and add or modify programs to address identified constraints.

Building Codes and their Enforcement: The element identifies the utilized building code; however, it should also discuss whether the jurisdiction is utilizing the most recent 2022 building codes. In addition, the element should discuss the type of enforcement on existing residential structures (e.g., complaint based) and evaluate any impacts on housing costs and lower-income households.

Site Improvements: In most cases, the element discusses subdivision requirements but should also identify and analyze typical on and off-site improvements (e.g., street, sidewalk, and other mobility improvements) for impacts on housing costs. For Sutter Creek, while the element discusses these improvements, it mentions improvements are required adjacent to a tract. The element should explain the extent of adjacent improvements and evaluate the cost impacts of these improvements.

Persons with Disabilities (Group Homes for Seven or More Persons): In most cases, group homes for seven or more persons appear to be subject to special regulations or not allowed in some residential zones. First, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. Second, these housing types are, in some cases, excluded from some residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Finally, these housing types in many cases are subject to a special use or conditional use permit (CUP), potentially subjecting housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses. The element should include a specific analysis of these and any other constraints for impacts on housing for persons with disabilities. Based on this analysis, the element should add or modify programs as appropriate to permit these uses in all zones allowing residential uses with objectivity and only subject to the requirements of other residential uses of the same type in the same zone.

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

To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and specific commitments, as follows:

- *Countywide Housing Working Group (CHWG):* Assembling and ongoing participation of the CHWG is essential to the implementation of the multi-jurisdictional housing element. The element should commit to annually evaluating the effectiveness of the CHWG in the implementation of programs and commit to alternative action, if necessary, to facilitate the implementation of relevant programs.
- *Programs 5 (Affordable Housing Land Acquisition), 11 (Preserve Multifamily and Mobile Home Opportunities), 19 (Infrastructure Capacity) and 25 (Energy Conservation Initiatives):* These Programs should include discrete timing (e.g., at least annually, by 2025) for implementation actions. In addition, Program 5 should include a specific schedule of actions to facilitate housing development, including affordability and compliance with the Surplus Land Act, on publicly-owned lands.

- *Numerical Objectives:* Programs 7 (Historically Significant Structures), and 11 (Preserve Multifamily and Mobile Home Opportunities) should be revised with numerical objectives.
 - *ELI Households:* Based on the outcomes of a complete analysis, the element should include specific commitment and discrete timelines to assist in the development of housing for ELI households. Examples of actions include adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting, or pursuing funding applications; and at least annual outreach and coordination with affordable housing developers to identify development opportunities.
7. *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 4, 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 element may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

8. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding 5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the element may need to revise or add programs and address and remove or mitigate any identified constraints.

9. *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 3, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the element may need to revise or add programs. Goals and actions must specifically respond to the analysis and 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.

The enclosed Appendix describe findings that apply to individual jurisdictions. The element will meet statutory requirements once the findings applicable to the multi-jurisdictional draft element and each jurisdictions are addressed.

As a reminder, the 6th cycle housing element was due September 15, 2021. As of today, the Cities and County have not completed the housing element process for the 6th cycle. The 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the Cities and County to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (September 15, 2021), 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) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if any City or County fails to adopt a compliant housing element within one year from the statutory deadline (which has expired), the element cannot be found in substantial compliance until these rezones are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the multi-jurisdictional working group 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 a link must be emailed to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

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

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the multijurisdictional working group 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 hard work, dedication, and collaboration the multi-jurisdictional housing element working group provided during the course of our review and the housing element update. We are committed to assisting the multi-jurisdictional in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

cc: Anne Kel-Artinian, Mayor, City of Amador City
Amy Gedney, Acting City Manager, City of Lone
Yvonne Kimball, City Manager, City of Jackson
Margaret Roberts, City Manager, City of Plymouth
Sandra Spelliscy, Interim City Manager, City of Sutter Creek

APPENDIX

COUNTY OF AMADOR MULTI-JURISDICTIONAL HOUSING ELEMENT

The following changes are necessary to bring the County'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.

COUNTY OF AMADOR

A. Housing Needs, Resources, and Constraints

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).)

Housing for Persons with Disabilities: The element identifies the definition of family and explains the definition includes a licensed community care facility. The element should also explain how this definition relates to unlicensed group homes and add or modify programs appropriate.

CITY OF AMADOR CITY

A. Review and Revise

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).)

While the City did not submit a housing element in the 5th cycle of the housing element, it should still discuss its efforts to address housing needs, evaluate the effectiveness and learn from past efforts to inform appropriate actions in the current cycle. For example, the element could qualitatively discuss efforts or the lack of efforts, any steps taken to apply for

funding, including planning resources or support application for funding. The element could also discuss any results, such as permitting development or facilitating entitlements.

B. Housing Needs, Resources, and Constraints

1. *The identification of one or more zoning designations that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and that are suitable for residential uses. The identified zoning designations shall include sufficient sites meeting the requirements of subparagraph (H) with sufficient capacity, as described in subparagraph (I), to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zoning designation or designations that can accommodate at least one year-round emergency shelter. (Gov. Code, § 65583 (a) (4))*

Zoning for a Variety of Housing Types (Emergency Shelters): As noted in the element, the City does not have a zone that permits emergency shelters without discretionary action. A zone was required as part of the first year of the 4th cycle of the housing element, a date that has lapsed. As a result, HCD will not be able to find the element in substantial compliance with housing element law until the zoning is complete.

2. *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 and their impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to heights and lot coverage, particularly for multifamily uses. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Housing for Persons with Disabilities: As noted on page 9 of the Amador City Annex, the City's definition of family is a potential constraint. As a result, the element should include a program to address the identified constraint.

CITY OF IONE

A. Housing Needs, Resources, and Constraints

1. *The analysis shall determine whether the inventory can provide for a variety of types of housing, 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, § 65583.2, subd. (c).)*

Zoning for a Variety of Housing Types: The element should be revised, as follow:

- *Employee Housing Act:* The element mentions the Employee Housing Act and that zoning is consistent but should discuss how zoning meets the statutory requirements. This is particularly important because Table III-I-6 appears to indicate zoning is not consistent with the Employee Housing Act.
- *Emergency Shelters:* While the element mentions zones that permit emergency shelters without discretionary action, it should also discuss available capacity, including acreage, typical parcel size and proximity to transportation and services.
- *Low Barrier Navigation Centers:* The element should clarify whether these uses are permitted without discretionary action.
- *Permanent Supportive Housing:* The element should clarify whether these uses are permitted without discretionary action.
- *Accessory Dwelling Units (ADU):* HCD may review a City's ADU ordinance for compliance with ADU law. The element should add or modify a program to amend the City's ordinance, if necessary, to meet statutory requirements upon HCD review.

Based on the outcomes of these analyses, the element should add or modify programs to establish appropriate zoning for a variety of housing types.

2. *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 and their impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address parking requirements, particularly for multifamily uses. The analysis should address any impacts on cost, supply, housing

choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

In addition, the element briefly states the City has a density bonus ordinance consistent with state law. However, the element should include a discussion to demonstrate compliance. For example, the element should discuss application requirements, eligibility criteria, levels of density bonuses, concessions and incentives, parking reductions and decision-making criteria.

Housing for Persons with Disabilities: The element mentions the City has a reasonable accommodation ordinance but should also discuss the ordinance, including application requirements and approval findings and evaluate any potential constraints on housing for persons with disabilities.

CITY OF JACKSON

A. Housing Needs, Resources, and Constraints

1. *The analysis shall determine whether the inventory can provide for a variety of types of housing, 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, § 65583.2, subd. (c).)*

Zoning for a Variety of Housing Types (Emergency Shelters): While the City may establish limits on the number of beds or persons in an emergency shelter, the element must analyze the 12-bed limit as a potential constraint for the development of emergency shelters and add or modify programs to address identified constraints.

2. *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: The element (p. 20-Jackson Annex) describes the City's fees as significantly higher compared to surrounding jurisdictions. As a result, the element should evaluate the independent and cumulative impact of fees on housing costs and feasibility, including mitigations for housing types (e.g., infill, special needs, affordable) and add or modify programs to address the constraint as appropriate.

Constraints on Housing for Persons with Disabilities: The element identifies parking requirements for group quarters at one space per bed but should also evaluate those requirements for impacts on housing cost and feasibility and add or modify programs to address identified constraints.

CITY OF PLYMOUTH

A. Housing Needs, Resources, and Constraints

1. *The analysis shall determine whether the inventory can provide for a variety of types of housing, 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, § 65583.2, subd. (c).)*

Zoning for a Variety of Housing Types (Emergency Shelters): While the element describes emergency shelters are permitted in various zones, it should also clarify if the use is permitted without discretionary action. In addition, the element should discuss available capacity, including acreage, typical parcel size and proximity to transportation and services. Finally, the element indicates parking requirements are inconsistent with state law and, as a result, the element should add or modify programs to address the constraint.

2. *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 and their impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address open space requirements for all residential uses. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Fees and Exaction: The element describes the City's fees as significantly higher compared to surrounding jurisdictions. As a result, the element should evaluate the independent and cumulative impact of fees on housing costs and feasibility, including mitigations for housing types (e.g., infill, special needs, affordable) and add or modify programs to address the constraint as appropriate.

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

Processing and Permit Procedures: 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.

Constraints on Housing for Persons with Disabilities: The element identifies parking requirements for group homes but should also evaluate those requirements for impacts on housing cost and feasibility and add or modify programs to address identified constraints.

B. Housing Programs

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).)

Program 3 (Adequate Sites): The element includes Program 3 to rezone sites to accommodate the Regional Housing Needs Allocation (RHNA). However, the element cannot be found in substantial compliance until rezoning is complete. Pursuant to AB 1398, a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until rezones to make prior identified sites available or accommodate a shortfall of sites pursuant to Government Code sections 65583, subdivision (c)(1)(A) and 65583.2, subdivision (c) are completed. As this year has passed and Program 3 has not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning have been completed. Once the City completes the rezone, a copy of the resolution or ordinance should be transmitted to HCD. HCD will review the documentation and issue correspondence identifying the updated status of the City housing element compliance.

CITY OF SUTTER CREEK

A. Housing Needs, Resources, and Constraints

- 1. The analysis shall determine whether the inventory can provide for a variety of types of housing, 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, § 65583.2, subd. (c).)*

Zoning for a Variety of Housing Types (Employee Housing Act): The element should demonstrate compliance with the Employee Housing Act and add or modify programs, as appropriate. Specifically, Health and Safety Code section 17021.5 allows employee housing for six or fewer persons similar to single-family uses. However, the element

indicates these uses are not allowed in zones allowing single-family uses. The element should either describe how zoning meets these requirements or add or modify programs as appropriate.

2. *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: The element describes the City's fees as significantly higher compared to surrounding jurisdictions. As a result, the element should evaluate the independent and cumulative impact of fees on housing costs and feasibility, including mitigations for housing types (e.g., infill, special needs, affordable) and add or modify programs to address the constraint as appropriate.

Processing and Permit Procedures: 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.

Housing for Persons with Disabilities: As noted on page 14 of the Sutter Creek Annex, the City's definition of family is a potential constraint. As a result, the element should include a program to address the identified constraint.