

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

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December 31, 2021

Philip Lanza fame, Director
Community Development Department
City of Glendale
633 E. Broadway, Room 103
Glendale, CA 91206

Dear Philip Lanza fame:

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

Thank you for submitting the City of Glendale's (City) draft housing element received for review on November 2, 2021. As the City submitted revisions late in the review period on December 27, 2021 to incorporate feedback from public comments, HCD was unable to consider these revisions in the review. 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 December 29, 2021 with Erik Krause, Deputy Director of Community Development, and consultant Amanda Tropiano. In addition, HCD considered comments from Abundant Housing LA and YIMBY Law; Our Future LA Coalition; Karen Kwak; Abundant Housing LA; Mike Van Gorder; and Tieira pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

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

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 (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will

no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

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.

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 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 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: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

HCD appreciates the dedication and cooperation Erik Krause, Deputy Director of Community Development, and consultant Amanda Tropiano 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 Hillary Prasad, of our staff, at Hillary.Prasad@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF GLENDALE

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).)

As part of the review of programs in the past cycle, the element must provide an evaluation of the effectiveness of 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 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))*

Outreach: Outreach specifically related to affirmatively furthering fair housing (AFFH) is foundational to a complete analysis and formulating appropriate goals and actions to overcome patterns of segregation and foster more inclusive communities. The element mentions outreach as part of the Analysis of Impediments to Fair Housing Choice (AI) and fair housing survey. However, the element should relate this input to all components of the AFFH analysis and modify or add goals and actions as appropriate. Also, the outreach from the fair housing survey appears limited to fair housing complaints. If broader outreach, such as neighborhood specific or broader concerns on quality of life, are not available in the AI, the City should consider additional outreach methods related to AFFH.

Assessment of Fair Housing: The element reports and maps data on components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity) but it must also analyze the information such as evaluating patterns, trends, conditions and circumstances, coincidence with other components of the assessment of

fair housing and the effectiveness of past and current strategies to promote inclusive communities and equitable. This analysis should be complemented by local data and knowledge, including input from commenters, and other relevant factors as described below.

Enforcement: While the element discusses capacity to investigate fair housing complaints, it should quantify and evaluate the characteristics of complaints to the extent possible. In addition, this analysis must also describe compliance with existing fair housing laws and regulations.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Affluence (RCAA): The element states that a R/ECAP does not exist, however, HCD notes the City does have an area of High Segregation and Poverty according to TCAC/HCD Opportunity maps. In addition, the element identifies a concentrated area of affluence. As a result, the element should include specific analysis of these areas, as described above, to formulate appropriate goals and actions.

Access to Opportunity: The element only provides state data regarding Access to Opportunity, the element must include a local and regional analysis. A complete analysis should include the locally and regional disparities of the educational, environmental, economic, and transportation scores. Please refer to page 35 of the AFFH guidebook (link: <https://www.hcd.ca.gov/community-development/affh/index.shtml#guidance>) for specific factors that should be considered when analyzing access to opportunities as it pertains to educational, employment, environmental, transportation, and any factors that are unique to Glendale.

Disproportionate Housing Needs including Displacement: While the element describes the City's plans to study displacement, the element must analyze data on overcrowded households, substandard housing conditions, cost burdened households, and displacement. The element should analyze this data looking at trends, patterns, and local data and knowledge and other relevant factors, and conclude with a summary of issues. For housing conditions, the City could utilize information from code enforcement to evaluate patterns from neighborhood to neighborhood. For displacement risk, the City could utilize information from the Urban Displacement Project at <https://www.urbandisplacement.org/maps/los-angeles-gentrification-and-displacement/>.

Sites Inventory: While the element summarizes where sites are located in relation to the AFFH analysis, the element does not identify sites, especially for lower-income households in high resource or high-income areas and sites are not distributed throughout the community in a manner that AFFH. To support appropriate conclusions, the element should analyze the location of all sites and number of units by income group, magnitude of the impact on existing patterns of socio-economic characteristics and any isolation of the sites. The element must also discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to mitigate this (e.g., anti-displacement strategies) such as significant steps to rezone a variety of housing choices elsewhere or place-based strategies to assure equitable quality of life.

Contributing Factors: The element should re-assess and prioritize contributing factors upon completion of analysis and make revisions as appropriate.

Goals, Priorities, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of the analysis described above. Goals and actions must specifically respond to the analysis and prioritize contributing factors to fair housing issues. Actions must have metrics and milestones as appropriate and address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Extremely-Low Income (ELI) Households: The element identifies the projected housing needs for ELI households and includes some brief discussion of situations and available programs. However, given the unique and disproportionate housing needs of ELI households, the element should evaluate the needs of ELI households such as overpayment, affordability gaps, effectiveness of programs and resources in addressing the housing needs and consideration of new strategies based on the outcomes of the analysis.

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 in Meeting the RHNA: The City's regional housing needs allocation (RHNA) may be reduced by the number of new units built since June 30, 2021, however, the element must describe the status of each project and how likely they are to be developed during the planning period as well as whether they were counted toward 5th cycle RHNA progress. The element indicates (p. 88) that 77 units affordable to very low-income households and 21 units affordable to low-income household have been built or are under construction or approved. Public comments received during HCD's review indicated that many projects listed as progress towards meeting RHNA were completed and occupied prior to June 30, 2021. The element must clarify that the sites identified as progress toward meeting RHNA were not occupied or receive certificate of occupancy before June 30, 2021.

In addition, the element does not clarify whether projects in Table 58 (p. 94) are being counted as progress toward RHNA or in the sites inventory. The element must clarify and add additional information as appropriate (i.e. sites inventory and default density requirements or clarifying the existence of deed restrictions and/or market trends to support affordability assumptions).

Finally, the element appears to utilize some market rate projects toward the moderate-income RHNA. The element should include additional information to demonstrate affordability based on actual or anticipated sales prices or rents. This is particularly important given current market rents noted in the element (p. 38).

Parcel Listing: While the element includes many requirements for the sites inventory, it must also include the general plan designation, whether a site is vacant or nonvacant, describe any existing use for nonvacant sites, whether sites were previously identified in the 4th or 5th cycle, the unit count for pending projects listed in the inventory, and incorporate realistic capacity assumptions. Descriptions of existing uses should be sufficiently detailed to facilitate an analysis of redevelopment potential.

Realistic Capacity: While the element provides 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 the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction. For example, the element lists all recent projects in the downtown specific plan to support a realistic capacity but should also discuss their level of affordability to demonstrate whether sites with 100 percent affordability are built at the assumed densities.

For sites with zoning that allows 100 percent nonresidential uses, e.g. commercial and mixed use zones, the element must account for the likelihood of 100 percent nonresidential uses and adjust residential calculations as appropriate. To account for the likelihood of 100 percent non-residential uses, the element should discuss development trends, any performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use.

Suitability of Nonvacant Sites: While the element identifies nonvacant sites to accommodate the regional housing need for lower-income households, it must describe the methodology used to determine the additional development potential within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).) The element generally does not address all of these requirements. For example, the element discusses residential recycling where sites can accommodate at least two additional units are assumed suitable for above moderate-income households but it must also rescale this assumptions or demonstrate the likelihood of redevelopment based on development trends and the extent that existing uses impede additional development. For another example, sites in the Downtown Specific Plan, the element lists factors to identify sites but must also support those factors based on development trends, relate the trends to

identified sites, reflect the values of each of the factors in the inventory, discuss existing uses and impediments to redevelopment and other factors as discussed above.

In addition, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period (Gov. Code, § 65583.2, subd. (g)(2).

Finally, if element utilizes sites with existing residential uses. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c) (3).

Adequate Sites Alternatives: To credit the conversion of 699 units of existing multifamily units to deed restricted affordable units (pages 41 and 89), City's regional housing need, the element must demonstrate compliance with all the statutory requirements. (Gov. Code, § 65583.1.) For example, the element must demonstrate that the units will be preserved, and the local government has provided those units with committed assistance. The City must also provide the Alternative Adequate Sites Checklist to support the assumptions. In addition, the element must demonstrate that the units credited toward moderate income meet all of the requirements outlined in AB 787 including the deed restriction was recorded between June 30, 2021 and October 15, 2021. The element must describe the funding source, how long the deed restriction is in place, and include a program in the element to commit to the funding. For additional information and an Alternative Adequate Sites Checklist, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#realistic>.

Accessory Dwelling Units (ADU): The element assumes an ADU build out of 159 ADU and/or junior accessory dwelling unit (JADU) per year based upon approvals between 2018 and 2020. The element should base its estimate on the average number of ADUs permitted per year since 2018. Given that the City has only produced an average of 107 units per year since 2018, it is not clear if this production level will be achievable in the planning period. As a result, the element should be updated to include a realistic estimate of the potential for ADUs and include policies and programs that incentivize the production of ADUs. Depending on the analysis, the element must commit to monitor ADU production throughout the course of the planning period and implement additional actions if not meeting target numbers anticipated in the housing element. In addition to monitoring production, this program should also monitor affordability. Additional actions, if necessary, should be taken in a timely manner (e.g., within six months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

Availability of Infrastructure: While the element describes water and sewer infrastructure, it must state whether there is enough water and sewer capacity available and accessible to accommodate the City's RHNA and include programs if necessary.

Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must describe any known environmental constraints or other conditions such as litigation within the City that could impact housing development on identified sites in the planning period.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* While the element states that emergency shelters are allowed in industrial, special purpose, and IMU. The element must clarify if they are allowed by-right as well as describe the requirements and standards. The element must also analyze the availability of sites and appropriateness of the identified zones.
 - *Transitional and Supportive Housing:* Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).) The element must add or revise programs which comply with the statutory requirements.
 - *Single Room Occupancy (SRO) Units:* The element does not describe where SRO units are allowed. This is an important housing type, and the element must be revised to allow SROs.
 - *Employee Housing:* The element must clarify if the City has zones allowing for agricultural uses and must demonstrate the zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. 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. 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.
 - *Manufactured Housing:* the element does not describe where mobile home parks are allowed within the City. The element must describe where mobile home parks are allowed or add a program as appropriate.
 - *Accessory Dwelling Units (ADU):* The element must clarify compliance with ADU law such as whether ADUs are allowed in the Town Center Specific Plan where multifamily residential is allowed.
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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government*

Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).)

Land Use Controls: While the element describes the general plan and zoning designations for most residential uses, the element must describe whether 100 percent residential or commercial uses are allowed by-right in the Downtown Specific Plan and mixed-use zones. The element should also describe the interaction between the General Plan High Density designation which allows for 35-60 dwelling units an acre, but the corresponding zone allows for up to 34 dwelling units an acre. In addition, the element must also clarify whether three story multifamily developments are allowed by right in the Downtown Specific Plan areas that limit height to a maximum of 35 feet. The element must also revise parking standards requiring more than one space for efficiency and one-bedroom units as well as the guest parking requirement in the PRD zone. The element should analyze the 40 percent and 50 percent maximum lot coverage requirements for single family and multifamily developments respectively as well as the maximum of two stories for multifamily developments on lots less than 90 feet in width. In addition, the element should clarify the maximum densities equal in multifamily zones.

The element must describe the maximum number of units in the Town Center Specific Plan in relation to the plan size. The element states that a maximum of 338 units are allowed over the planning area of 16.5 acres at a density up to 100 dwelling units an acre. The element should describe how many units exist in the specific plan currently, whether more units are planned, and whether sites identified in the inventory are in the specific plan. The element must also describe any lot coverage maximums in the Specific Plan. In addition, the element must revise parking standards that require two spaces for studio and one-bedroom units as well as analyze the parking structure requirements and add a program as appropriate.

Fees and Exaction: The element must describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. While the element includes many fees, table on page 78 must also include site plan, specific plan, development agreement, and negative declaration fees. The element must also describe whether the fees listed are applicable for both single family and multifamily developments. In addition, the element must describe the proportion of fees in comparison to overall development cost for a typical single family and multifamily development. The element must also analyze whether the change of use annual parking fee is a constraint and add a program as appropriate.

Local Processing and Permit Procedures: While the element describes the review authority for type of approval or permit, it must describe and analyze the City's permit processing and approval procedures by zone and housing type (e.g., multifamily rental housing, mobilehomes, housing for agricultural employees, supportive housing). The analysis must evaluate the processing and permit procedures' impacts as potential

constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and time for typical single- and multi-family developments, including type of permit, level of review, approval findings and any discretionary approval procedures. It must also list the typical review time for each permit procedure. In addition, the element must analyze the conditional use findings as a constraint for multifamily developments in the MU-R zones, in particular the employment and compatibility findings, as well as the live work findings, including inhibiting commercial or industrial uses. The element should list the findings for an administrative use permit.

Local Ordinances: While the element states that there are inclusionary and short term rental ordinances, the element must specifically analyze locally adopted ordinances that directly impact the cost and supply of residential development. The analysis should demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.

Design Review: The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.

On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability.

Constraints on Housing for Persons with Disabilities: Residential care facilities serving seven or more persons are permitted in commercial zones by-right but subject to a conditional use permit (CUP) in some residential zones and not allowed in others. The element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty. In addition, the element must add or revise a program as appropriate to remove constraints to the reasonable accommodation procedure, such as finding five. The element must also describe the City's definition of family and analyze for constraints on housing for persons with disabilities.

5. *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. The analysis shall*

also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)

Financing: While the element describes land and construction costs, the element must describe whether financing is available within the City.

Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

6. *Analyze the opportunities for energy conservation with respect to residential development. (Gov. Code, § 65583(a)(8).)*

The element indicates the City enforces Title 24 and describes conservation programs of local utilities. However, it must include analysis of energy conservation opportunities in residential development. The analysis should facilitate the adoption of housing element policies and programs. For example, programs could provide incentives to promote higher density housing along transit, encourage green building techniques and materials in new construction and remodels, promote energy audits and participation in utility conservation programs, and facilitate energy conserving retrofits upon resale of homes.

7. *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).)*

On page 52, the element identifies existing affordable units that are at-risk during the planning period. There were units that have rental restrictions expiring within the next ten years that were not included in the total at-risk units. The element should describe the methodology used to determine whether units are at-risk. In addition, all properties should list type of governmental assistance, and include an analysis of replacement/preservation costs. The element should also include a list of qualified entities and potential funding sources to preserve the units.

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).)

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines (i.e. month and year); (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Examples of programs to be revised include the following:

- *Program 1C (Surplus Lands)*: The Program must include a timeframe of when the initial list will be created as well as how often it will be updated.
- *Program 2A (Multi-family Acquisition/Rehabilitation Loan Program)*: The Program should include a specific implementation date as well as include proactive outreach to developers.
- *Program 2C (Code Enforcement)*: This program should clarify if there is any assistance available to homeowners who cannot afford repairs.
- *Program 2D (Neighborhood "Target Areas")*: The Program should describe any timeframes regarding the approval of the Tropico study plan.
- *Program 3A (Density Bonus Program)*: This Program should implement an update of the ordinance within one year of adoption as well as evaluate and update the ordinance at a set interval throughout the planning period.
- *Program 3E (Mixed Use Standards on Transportation Corridors)*: The Program lists that the study will be complete in February 2023, but it should also include a discrete timeframe of when the study results will be implemented.
- *Program 5A (New Types of Subdivision)*: This Program should include an action and implementation component. The element should clarify what will occur by December 2023.
- *Program 6A (Care Management Services)*: The element should describe whether any outreach will occur.
- *Program 6C (Developmental Disabilities Housing Services)*: The program should describe when the brochure will be available and how often outreach will occur.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a

complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Previously Identified Nonvacant and Vacant Sites: While the element includes Policy 1.11, it should be revised to require multifamily development with 20 percent affordability to be permitted by right and add a program as appropriate.

Replacement Housing Requirements: The housing element must include a program to provide replacement housing. Nonvacant sites identified in the sites inventory with existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years, require a replacement housing program for units affordable to lower-income households. (Gov. Code, § 65583.2, subd. (g)(3).) Absent a replacement housing program, these sites are not adequate sites to accommodate lower-income households. The replacement housing program must adhere to the same requirements as set forth in Government Code section 65915, subdivision (c)(3).

Program 1E (Adaptive Reuse): This Program should include an implementation component and go farther than exploring potential incentives for adaptive reuse of commercial and office buildings for housing.

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

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

- *Program 6B (Homeless Services):* This Program should be revised to clarify which programs will be supported. It should also include regular outreach and assistance for annual funding applications.
- *Program 8B (Permit Streamlining):* This Program must include an action to reduce permit approval times, a specific timeframe as to when it will be implemented, and how often the process will be reviewed throughout the planning period.
- *Program 9A (Monitor Changes in Federal and State Housing, Planning, and Zoning Laws):* This program should revise the timing to include annual monitoring as well as how often updates will occur in the planning period.
- *Program 9B (Zoning Code Amendments – Housing Constraints):* While the element includes revisions to employee housing and agricultural worker housing, it must be consistent with Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics 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 mentioned in Finding B1, programs throughout the element should be revised to address enhancing housing mobility strategies; encouraging development of new affordable housing in high resource areas; improving place-based strategies to encourage community conservation and revitalization, including preservation of existing affordable housing; and protecting existing residents from displacement. The programs should include metrics and milestones to provide benchmarks and ensure housing outcomes.

In addition, Program 7A (Fair Housing Plan) should be strengthened and include how often outreach will occur. Program 7C (Affirmatively Furthering Fair Housing Program) should be revised to refer fair housing complaints to the Department of Fair Employment and Housing (not HCD), the land use component should commit to an action based on the review, it should also include how often outreach will occur, and all implementation actions should include metrics and timing.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

While the element includes Program 2E (Conservation of Existing and Future Affordable Housing Units), it should incorporate preservation notice law (Government Codes 65863.10, 65863.11, 65863.13) as well as include proactive outreach to owners beginning three years before expiration of rental agreements. The program can also commit resources to preserve existing affordable units.

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).)*

While the element includes Program 1F (Accessory Dwelling Units), the program should include a monitoring component every two years and identify additional sites if ADU projections are not meeting the assumptions. In addition, the language regarding incentives should be revised to go farther than evaluate potential incentives and should be strengthened to implement specific incentives listed in the program.

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 must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income group, the element must breakout the objective for conservation/preservation for extremely low-, very low-, low-income households.

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 includes a general summary of the public participation process, it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element.

In addition, HCD understands the City made the element available to the public on November 1, 2021, concurrent with its submittal to HCD. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in the course of its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.

F. Consistency with General Plan

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 housing element affects a locality's policies for growth and residential land uses. The goals, policies and objectives of an updated housing element may conflict with those of the land-use, circulation, open space elements as well as zoning and redevelopment plans. The general plan is required to be "internally consistent." As part of the housing element update, the City should review the general plan to ensure internal consistency is maintained. In addition, The City should consider an internal consistency review as part of its annual general plan implementation report required under Government Code section 65400.