

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

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December 1, 2022

Kari Svanstrom, Director  
Planning Department  
City of Sebastopol  
7120 Bodega Avenue  
Sebastopol, CA 95472

Dear Kari Svanstrom:

**RE: City of Sebastopol's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Sebastopol's (City) housing element received for review on September 2, 2022, along with revisions received on November 29, 2022. 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 telephone conversation on November 16, 2022, with City's consultants Jane Riley and Elliott Pickett. In addition, HCD considered comments from, YIMBY Law and Greenbelt Alliance, Legal Aid of Sonoma County and Katherine Austin 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). See enclosed Appendix.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community/development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

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

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

HCD is committed to assisting Sebastopol in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Fidel Herrera, of our staff, at [Fidel.Herrera@hcd.ca.gov](mailto:Fidel.Herrera@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long horizontal stroke extending to the right.

Melinda Coy  
Proactive Housing Accountability Chief

Enclosure

## APPENDIX CITY OF SEBASTOPOL

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 evaluation of programs in the past cycle (pages 29-45), the element must provide an explanation 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). In addition, the element should evaluate the effectiveness of Program D-6. The element states the program was successful but should include a description of the actual results or outcomes.

### **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).)*

Disproportionate Housing Needs, Including Displacement: The element did not include trends and patterns on a regional level for displacement. The element included a map of the region but did not include a discussion to adequately compare displacement to the City.

Local Data and Knowledge: The element should incorporate local data and knowledge of the jurisdiction into the Affirmatively Furthering Fair Housing (AFFH) section. To assist in meeting this requirement, the element should complement federal, state, and regional data with local data and knowledge to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers or information obtained through community participation or consultation, such as narrative descriptions of people's lived experiences.

2. *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).)*

**Emergency Shelter:** The element must list and evaluate development standards and modify programs as appropriate. The housing element must demonstrate the permit processing, development, and management standards for emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters. In particular, the element must describe any development standards for emergency shelters and evaluate them for consistency with Government Code section 65583 (a)(4)(A).

3. *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:** While the element describes the design review findings and process; it must analyze the requirements. As shown on page 52, many of the findings for approval are subjective and must be evaluated for impacts on housing cost, supply, timing and approval certainty. This is particularly critical as it appears that every development with three or more new units must go through a design review board hearing prior to planning commission and city council approval. In addition, it appears that all multifamily projects require a master planning permit. The element should describe the master planning permit and application process including approval bodies for multifamily development.

**SB 35 Streamlined Ministerial Approval Process:** The element must describe the availability of written procedures for the SB 35 streamlined, ministerial approval process or include a program as appropriate. The element states that SB 35 Project Supplemental Application is submitted concurrently with the Master Planning Application (standard application). However, the element should clarify if the Master Planning Application is submitted as part of the notice of intent to submit an application to the City or as part of the full development application once the tribal consultation has been complete.

**Inclusionary Housing:** While the element describes the framework of inclusionary requirements and available alternatives, it must also analyze their impact as potential constraints on the development of housing for all income levels. The element includes

information on the balance of in-lieu fees; however, it does not include the amount of in lieu fees that a developer would pay if this option was chosen.

4. *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 for Persons with Disabilities: While the element includes information on two nonprofits that provide services for persons with disabilities including The North Bay Regional Center; however, it does not include the type of services that are provided (i.e. transportation). The element should include a discussion of resources including services available that can accommodate people with disabilities.

### **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; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs that need to be revised are as follows:

Program B-1-2 Code Enforcement and Reasonable Accommodation Procedures: The program should include a metric, milestone or geographic area for code enforcement (i.e., how many code enforcements is the City estimating).

Program C-2.1 Rehabilitation Assistance: Program commits to applying annually for funding on timeline, but then included objective to apply for three grants throughout the planning period. The element should clarify what is the commitment in applying for funds. In addition, the program should include a metric or milestone (i.e., how many rehab units in the planning period).

Program D-2.1 Landlord Education: The program states that one of the goals is to expand the location of the participating Section 8 Housing Choice Voucher properties; however, the element should clarify how the City is expanding Section 8 Housing Choice Voucher properties (i.e., increase Housing Choice Voucher properties by how many).

Program D-3.1 First Time Homebuyer Program and Affordable Homeownership Resources:  
The Program did not include how often the City will apply for funding and what the geographic targeting is.

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, mobile homes, 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 B2, 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. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of January 18, 2022 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 B3, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, Program D-2.2 was revised to eliminate the 2-story limit and set a height limit of 35 feet in the R6 and R7 zones; however, this Program should also clarify if three stories are allowed in those zones. In addition, Program D-2.2 should also include the R5 zone which also allows multifamily to eliminate the 2-story limit, set a 35 feet height limit and allow three stories.

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 noted in Finding B1, the element must include a complete analysis of AFFH. Based on the outcomes of that analysis, the element must add or modify programs. In addition, while the element includes actions to address fair housing issues, the element must add quantifiable outcomes or metrics to commitments in Program B-1-2 (Code Enforcement and Reasonable Accommodation Procedures), Program C-2.1 (Rehabilitation Assistance), Program D-2.1 (Landlord Education), and Program D-3.1 (First Time Homebuyer Program and Affordable Homeownership Resources) to measure how the programs will facilitate meaningful change overcome patterns and evaluate progress on programs, actions, and fair housing results.