

**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](http://www.hcd.ca.gov)



November 2, 2021

Nick Liguori, Director  
Development Services  
City of Chino  
13220 Central Avenue  
Chino, CA 91710

Dear Nick Liguori:

**RE: City of Chino's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element**

Thank you for submitting the City of Chino's (City) draft housing element received for review on September 3, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from YIMBY Law 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, 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 will meet housing element requirements for these and other funding sources.

HCD appreciates the dedication and hard work the housing element update team 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, please contact Gerlinde Bernd, of our staff, at [Gerlinde.Bernd@hcd.ca.gov](mailto:Gerlinde.Bernd@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'PMcD', with a large, stylized flourish at the end.

Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF CHINO

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).)*

General: The element must include a program-by-program review including a comparison of prior objectives versus actual results, evaluation of effectiveness of past actions and how programs will be revised as appropriate to reflect the past program efforts. In many cases, the element includes information on progress in implementation, but it must still evaluate the effectiveness of programs in achieving goals and modify programs as appropriate in response to that evaluation. For example, Action 3 (Affordable Housing Opportunities) reports that each month City staff checks for the availability of funding and that no new funding was available during the planning period. However, funding was available in the prior planning period and in response the program is carried forward with little adjustment. The element should address whether the programmatic commitments were effective in facilitating affordable housing opportunities and revise programs as appropriate. Programs should be revised depending on the outcomes of a complete evaluation of effectiveness of prior programs. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/review-revise.shtml>.

Housing for Special Needs: As part of the review of programs in the past cycle, the element must provide an evaluation of the cumulative 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 (AFFH) in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Enforcement & Outreach: The element generally describes the outreach efforts related to the recent Analysis of Impediments to Fair Housing Choice, but it should also summarize the results of those outreach efforts to better formulate goals and actions. In addition, the analysis must address compliance with existing fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgements, or complaints.

Integration and Segregation: The element includes information on dissimilarity by race/ethnicity; however, it should also consider spatial analysis (neighborhood to neighborhood) of these dissimilarities and consider other data options. In addition, this section must address patterns and trends within the City for race, disability, familial status, and income.

Concentrated Areas of Poverty and Affluence: The element includes general information relative to concentrated areas of affluence but should also include analysis. For example, relative to income, there appears to be a distinct pattern from north to south and the element should discuss these differences to better guide goals and actions to address fair housing issues.

Access to Opportunity: The element includes general information from the 2014 Regional Opportunity Index and overall indicators of access to opportunity from the TCAC/HCD maps but should also, at a neighborhood and regional level, analyze trends and patterns for access to opportunities related to education, economic, and environmental quality.

Disproportionate Housing Needs, Including Displacement: The element does include data on overcrowded households, substandard housing conditions, and cost burdened households, but it must also analyze the data including evaluating spatial trends, patterns, and other local knowledge, and conclude with a summary of issues. In addition, the element briefly and generically mentions displacement but must still provide data, analysis, and conclusions.

Local Data and Knowledge and Other Relevant Factors: The element does not address this requirement. The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers. Also, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use and investment practices or other information and demographic trends.

Contributing Factors: The element must list and prioritize contributing factors to fair housing issues. While the element lists some fair housing issues, it generally does not list and prioritize contributing factors. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices.

Sites: The element discusses the proposed number of sites and units relative to patterns of race and income but must also address the other components of the assessment of fair housing (e.g., Access to Opportunity, Disproportionate Housing Need, including Displacement). In addition, the analysis should address the number of anticipated units by income group. Finally, the conclusions do not appear associated with the data provided and should be revisited. For example, most sites intended to accommodate housing for lower-income households appear isolated in the northern and central area and most sites for moderate and above moderate-income households appear isolated in the southeast area, yet the element concludes sites are evenly dispersed throughout the community.

Goals, Priorities, Metrics, and Milestones: Goals and actions must create meaningful impact to overcome contributing factors to fair housing issues. Currently, programs are not sufficient to facilitate meaningful change and address AFFH requirements. Based on the outcomes of a complete analysis, the element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

For further guidance, please visit HCD's Affirmatively Furthering Fair Housing in California webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

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

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

Housing Conditions: The element identifies the age of the housing stock (p. 2-32). However, it must estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from

knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

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

Parcel Listing: The element lists parcels by various factors such as size and zoning. However, the description of existing use must include sufficient detail to facilitate an analysis of the potential for addition development on nonvacant sites. In addition, the element appears to incorrectly calculate capacity. For example, several sites within the Preserve do not appear to utilize capacity assumptions. Further, some sites within Rancho Miramonte that appear intended for moderate-income households (See Table B-4) are listed for above moderate-income households.

Realistic Capacity: While the element provides assumptions for calculating residential capacity, it must also support 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, and typical densities of existing or approved residential developments at a similar affordability level. For additional information, see the Housing Element Sites Inventory Guidebook at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

Suitability of Nonvacant Sites: While the element identifies nonvacant sites to accommodate the regional housing need for lower-income households, the description provided regarding potential for redevelopment is inadequate. The element 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, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).)

The element currently identifies vacant sites intended to accommodate approximately 51 percent of the lower-income regional housing need allocation (RHNA). For your information, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower income households, it must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption, resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.

Replacement Housing Requirements: The element appears to identify sites with existing residential uses. If the sites inventory identifies sites with existing residential uses, it must identify whether the current residential uses are affordable to lower-income households or describe whether the additional residential development on the site requires the demolition of the existing residential use. For nonvacant sites with existing, vacated, or demolished residential uses and nonvacant sites occupied by, or subject to an affordability requirement for, lower-income households within the last five years there must be 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 has the same requirements as set forth in Government Code section 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program, if necessary.

Small and Large Sites: Sites larger than ten acres in size or smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that the sites are suitable to accommodate housing for lower-income households. The element assumes small sites with common ownership will consolidate into a single site but should include analysis to support this assumption. For example, the element should discuss past trends and affordability and relate those characteristics to identified sites. In addition, the element identifies two large sites and should include analysis describing the feasibility of large parcel development of housing affordable to lower-income households, past trends of large site development, and characteristics of large sites that were developed. One large site is an excess state-owned site. In this case, the element should include updated discussions on the status of these sites, any known constraints to development and potential for availability at an appropriate size in the planning period. Finally, based on the outcomes of these analyses, the element should include policies and programs as appropriate.

Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must include a discussion relative to identified sites and describe any known environmental or other conditions that could impact housing development on identified sites in the planning period. In addition, this analysis should specifically address the various overlays or other planning mechanisms (e.g., airport, agricultural, Central Avenue Specific Plan) for any impacts on identified capacity and feasibility of development in the planning period.

Accessory Dwelling Units (ADUs): The element assumes 40 ADUs per year for a potential buildout of 320 units within the planning period. According to HCD records, the City has permitted an average of 9 units per year since 2019 with no units reported in 2018, which is far less than the 40 units assumed in the element. The trends used in the element appear inconsistent with HCD records and, further, do not support an assumption of 40 ADUs per year. To support assumptions for ADUs in the planning period, the element should reconsider assumptions, reconcile trends with HCD records, include additional information, such as more recent permitted units and inquiries, resources and incentives, other relevant factors, and modify policies and programs as appropriate.



Infrastructure (Water and Sewer Priority): Water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should discuss compliance with these requirements and if necessary, modify Program Action 3G (Water and Sewer Resources) to establish a written procedure by a date early in the planning period. For additional information and sample cover memo, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

Electronic Sites Inventory Form: Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov).

Sites with Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element indicates emergency shelters are permitted in the Commercial Service (CS) zone. The element should also clarify shelters are permitted without discretionary action and discuss available acreage in the CS zone, including typical parcel sizes and the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. The analysis must also list and evaluate development standards and address whether parking requirements are limited to staff working in the emergency shelters and do not require more parking than other residential or commercial uses in the zone. The element must include programs as appropriate based on the outcomes of this analysis.
- *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 indicates (Table 3-9) transitional housing is limited to multifamily zones and does not address supportive housing. The element must demonstrate compliance with Government Code section 65583, subdivision (a)(5) or add or revise programs which comply with the statutory requirements.
- *Permanent Supportive Housing:* Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate.
- *Manufactured Housing:* The element must demonstrate manufactured homes on a foundation are allowed by-right in single family residential areas and treated as a single family use pursuant to Government Code section 65852.3 or include a program to amend zoning.



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).)*

Measure M: The element describes Measure M limits densities and that some lands may not be rezoned to accommodate housing without the approval of a vote by the City's voting residents and concludes the Measure is a severe constraint on development. The element should also describe how the Measure relates to rezoning efforts to accommodate the RHNA and must include programs as appropriate to ensure sites will be available with appropriate densities to accommodate the RHNA and to address this severe constraint.

Local Processing and Permit Procedures: While the element briefly describes some local processing and permit procedures (p. 3-26), it must evaluate the processing and permit procedures' impacts as potential constraints on housing supply, affordability, timing, and approval certainty. For example, the analysis should address the timing of various entitlements and approvals and consider processing and approval procedures for typical single family and multifamily developments, including type of permit, level of review, number of public hearings, approval findings and any other discretionary approval procedures.

On/Off-Site Improvements: The element generally describes site improvements (p. 3-25); however, the element must identify subdivision level improvement requirements, such as minimum street widths, and analyze impacts as potential constraints on housing supply, cost, and affordability.

Codes and Enforcement: The element notes the City follows the most recent building codes; however, it must also include any local amendments to the building code, type of enforcement for existing homes (e.g., complaint-based) and analyze potential constraints on housing supply, cost, and affordability.

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

- *Reasonable Accommodation:* The element states the reasonable accommodation procedure is limited to additions and tenant improvements and a few development standards. However, this procedure should not be limited and should apply to all zoning and land use rules and procedures. In addition, the element should list and evaluate approval findings for impacts on certainty, objectivity and timing.
- *Group Homes:* The element should describe how group homes for six or fewer persons and seven or more persons are allowed and analyze procedures as potential constraints. For example, conditional use permit procedures or

excluding group homes from residential zones could act as major barriers on housing for persons with disabilities.

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

Approval Time: The element must include an analysis of the length of time between receiving approval for a housing development and submittal of an application for building permits. The element must address any hinderance on the development of housing and include programs as appropriate.

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

Elderly by Tenure: To better formulate policies and programs, the element should evaluate the number of elderly households by tenure (renters and owners).

Persons with Developmental Disabilities: The element does not appear to correctly quantify the housing needs of persons with disabilities. For alternative data, please consult SCAG's Local Housing Data at <https://scag.ca.gov/local-housing-data>.

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

The element states eight units are at-risk of conversion to market rate uses (p. 3-76) but it also indicates (p. A-6) additional developments are at-risk of conversion in the planning period. Further, HCD records show Steelworker's Oldtimers Apartments are at-risk in the planning period. The element should reconcile these records and add or modify programs as appropriate.

## **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 have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines, including Program Actions 1A (Ownership Rehabilitation), 2A (Affordable Housing Opportunities), 2B (Homebuyer Assistance) and 3D (Promote Accessory Dwelling Units).

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

As noted in Finding B4, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning was 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:

- *Program Actions 3B and 3C (Affordable and Mixed-use Overlays):* Given these Programs are intended to accommodate a shortfall of adequate sites to accommodate the RHNA for lower-income households, the Programs must address all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, the Programs should identify the shortfall and acreage to be rezoned, clarify access to infrastructure and describe anticipated development standards. Since the overlays still allow uses under the base zoning, the Programs should commit to sufficient incentives (beyond State Density Bonus Law) to assure the intended uses. Finally, depending on the outcomes of an analysis of Measure M, if a vote is necessary, the Programs should have a schedule of actions necessary for the Measure M vote and alternative actions with dates if the vote is not successful.
- *Excess State Site:* The element should include a program with a schedule of actions to facilitate development on the identified excess state site, including facilitating zoning and entitlement and an alternative action if the site does not become available with sufficient time for development in the planning period.
- *Replacement Housing Requirements:* As noted in Finding B4, if utilizing sites with existing residential uses, the housing element must include a program to provide replacement housing. The replacement housing program must adhere to the

same requirements as set forth in Government Code section 65915, subdivision (c)(3).

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Program Action 2A (Affordable Housing Opportunities): The element includes Program Action 2A to assist the development of affordable housing. However, this program should include additional action. For example, the Program should commit to proactively reach out to affordable housing developers annually to identify opportunities for development. The Program should also be expanded to include all special housing needs groups.

Density Bonus Ordinance: As noted on page 3-10, the element should include a program to adopt a density bonus ordinance pursuant to Government Code section 65915.

SB 35 Streamlined Ministerial Approval Process: As noted on page 3-27, the element should include a program to establish a written procedure to implement the SB 35 Streamlined Ministerial Approval Process.

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

As noted in Findings B5 and B6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

5. *Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action. (Gov. Code, § 65583, subd. (c)(4).)*

As noted in Finding B3, the element must include a complete analysis of housing conditions. Based on the outcomes of that analysis, the element may need to add or modify programs to conserve and improve the condition of the existing housing stock.

6. *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 to enhance housing mobility strategies, encourage development of new affordable housing in high resource areas, improve place-based strategies, and protect residents from displacement.

7. *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).)*

Program Action 1D (Preservation of At-risk Housing): This Program should be revised to comply with noticing requirements (3 years, 12 months and 6 months), coordinate with qualified entities such as non-profit organizations and establish specific time parameters around such coordination, assist with funding or support funding actions and provide support and education to tenants.

8. *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).)*

Program Action 3D (Promote Development of ADUs): The Program currently commits to “evaluate” potential programs. However, the Program should also establish and implement those potential programs. In addition, depending on the outcomes of the analysis noted in Finding B4, Program Action 3E (ADU and JADU Monitoring Program) may need to monitor ADU production and affordability more than once in the planning period.

#### **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).)*

While the element includes quantified objectives for developments at-risk of conversion to market rate uses, the City is encouraged to consider, in its quantified objectives, the importance of conserving other existing affordable housing stock, such as housing choice vouchers or efforts through code enforcement.

#### **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 City made efforts to include the public through workshops and surveys, moving forward, the City should employ additional methods for public outreach, particularly including lower-income and special needs households and neighborhoods with higher concentrations of lower-income and special needs households. For example, the City could conduct targeted stakeholder interviews. In addition, the element should describe how public comments were considered and incorporated into the housing element. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.