

**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



February 10, 2023

Brent Cooper, Director
Community Development Department
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

Dear Brent Cooper:

RE: Review of American Canyon's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of American Canyon's (City) draft housing element received for review on November 14, 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.

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), as follows:

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

As part of the evaluation of programs in the past cycle, the element must also 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). Programs should be revised as appropriate to reflect the results of this evaluation.

2. *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).)*

Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)

Enforcement: While the element includes analysis of fair housing complaints, it must describe the City's compliance with existing fair housing laws and regulations. For additional information, please see pages 28-30 on HCD's Affirmatively Furthering Fair Housing (AFFH) Guidance Memo at https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf.

Goals, Priorities, Metrics, and Milestones: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies program(s) to encourage and promote affordable housing; however, additional revisions will be needed to these programs to facilitate meaningful change. Furthermore, the element must include quantifiable metrics and milestones for evaluating progress on programs, actions, and fair housing results. Programs must generally address enhancing housing mobility, increasing housing opportunities in high resourced areas, place-based strategies for community revitalization, and addressing displacement risks. Programs also need to be based on identified contributing factors, be significant and meaningful.

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 Stock Condition: The element utilized housing age to determine number of units likely needing major rehab or replacement. However, the element should supplement this analysis with other data sources to better reflect 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 <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/housing-stock-characteristics>.

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).)*

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... (Gov. Code, § 65583, subd. (c)(1).)

Progress in Meeting the Regional Housing Need Allocation (RHNA): The element relies entirely on pipeline projects and accessory dwelling units (ADUs) to meet its RHNA. Specifically, the element has identified 1,539 units that are pending or approved. The element must demonstrate the availability of these units during the planning period. To demonstrate the availability of units within the planning period, the element should discuss anticipated completion, any anticipated barriers and other relevant factors. Examples of factors to consider include infrastructure schedules, the City's past completion rates on pipeline projects, outreach with project developers, any expiration dates on entitlements, anticipated timelines for final approvals, and any remaining steps for projects to receive final entitlements. Given the element's reliance on pipeline projects, the element should include programs with actions that commit to facilitating development and monitoring approvals of the projects (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals, rezoning or identification of additional sites should the applications not be approved).

Electronic Sites Inventory: 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/planning-and-community-development/housing-elements> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types (Emergency Shelters): The element noted the City permits emergency shelters by-right in the LI and CC zones and there is sufficient capacity to address the need. However, the element should clarify that by-right means permitting without any discretionary action. Second, the element should discuss the suitability of these zones, for example proximity to transportation and services for these sites, hazardous conditions, and any conditions inappropriate for human habitability.

Lastly, the element indicated that City complies with parking requirements pursuant to Government Code section 65583, subdivision a)(4)(A). Specifically, it notes that parking requirements for emergency shelters require two spaces per staff and one space per six occupants. However, state law limits parking requirements to employee parking, provided that requirements do not exceed the parking requirements for other commercial and residential uses in that zone. The element should clarify compliance with these requirements and include or modify a program, as necessary.

Programs: As noted above, 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, while the element included an action to update the City's ADU ordinance to remove subjective design criteria, the City received correspondence from HCD on February 7, 2023 noting several findings regarding inconsistencies between the City's ADU ordinance and State Law. Program F (ADU) should be revised to specifically commit to revising the City's ADU ordinance to address HCD's findings.

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... 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).)*

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).)

Local Processing and Permit Procedures: While the element indicates most housing types are processed by-right and generally only required to have a design permit, the element should identify and analyze the approval findings, timelines for reviewing and approving these permits and any other relevant factors for impacts on housing supply (number of units), cost, timing and approval certainty.

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

SB 330, 2019: The Housing Crisis Act of 2019 (SB 330), among several other provisions, prohibits a locality from imposing moratoriums and limiting approvals or population caps. The element acknowledges the City limits the number of units based on highway improvements and other transportation demand criteria and appears to trigger the provisions of the Housing Crisis Act. As a result, the element should analyze the City's growth control policies specifically with compliance with SB 330. If the analysis indicates that the City's current growth control policies

conflict with State law, the element should commit Program D to removing or suspending the City's growth management policies immediately.

On/Off-Site Improvements: The element indicated that depending on the part of the City, on/off site improvements such as utilities, sidewalks, curbs, etc., will vary (pp. 5-35). However, the element should identify it must identify actual 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:

- *Reasonable Accommodation* – While the element described the process for filing a reasonable accommodation request (p. 5-32), it should also include any approval findings or decision-making criteria used when reviewing a reasonable accommodation request.
- *Group Homes for Seven or More Persons*– the element included program C committing to define and create a process for large residential care facilities (group homes for seven or more persons). However, to address constraints for persons with disabilities, this program should be revised to include more specific commitments. Specifically, this program should commit to allowing group homes of seven or more in all residential zones and allowing them with objectivity and certainty similar to other residential uses of the same form. Additionally, the element should discuss if the City imposes any spacing requirements for these uses. For more information, please visit: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>.

Programs: As noted above, 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.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements pursuant to Government Code section 65585.

As a reminder, the City's 6th cycle housing element was due January 31, 2023. 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, adopt, and submit to HCD to regain housing element compliance.

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. 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.

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>.

We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Gianna Marasovich, of our staff, at Gianna.Marasovich@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager