

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

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December 19, 2022

Jeffrey Beiswenger, Planning Manager  
Planning Division  
City of Rohnert Park  
130 Avram Avenue  
Rohnert Park, CA 94928

Dear Jeffrey Beiswenger:

**RE: City of Rohnert Park's 6<sup>th</sup> Cycle (2022-2029) Draft Housing Element**

Thank you for submitting the City of Rohnert Park's (City) draft housing element received for review on September 20, 2022, along with revisions received on December 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. Our review was facilitated by a conversation on November 4, 2022 with planning consultants, Jane Riley and Elliot Pickett. In addition, HCD considered comments from TransForm, Campaign for Fair Housing Elements and YIMBY Law, and the Public Interest Law Project 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 the enclosed Appendix.

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 (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element

process, the 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 assisting the City of Rohnert Park in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Tristan Lanza, of our staff, at [tristan.lanza@hcd.ca.gov](mailto:tristan.lanza@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF ROHNERT PARK

The following changes are necessary to bring the City of Rohnert Park's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. 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).)*

Segregation and Integration: The element mentions an income dot map and notes a slight concentration of lower-income households in the central Rohnert Park area. However, the element should map and evaluate patterns within the City for households by median income available on HCD's website at <https://www.hcd.ca.gov/community-development/affh/index.shtml>. The analysis should at least address trends, conditions, comparisons to other neighborhoods, effectiveness or absence of past strategies, local data and knowledge and other relevant factors related to equitable quality of life. The element must add or modify meaningful programs based on the outcomes of this analysis, including place-based strategies toward community revitalization.

Other Relevant Factors: While the element briefly discusses a predominantly single-family land use pattern, it should include other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues and patterns within the City. Examples include state and federal investments such as transportation investment, past redevelopment areas, demographic trends, academic institutions, past local investment and publicly owned land.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess and prioritize contributing factors to fair housing issues to better formulate policies and programs and carry out meaningful actions to Affirmatively Furthering Fair Housing (AFFH).

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).)*

Realistic Capacity: 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. While the element lists proposed and recently build projects, it should clarify if this list includes all recent developments and if not, make adjustments as appropriate.

Small Sites: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing. This analysis should specifically discuss the potential consolidation of Site 11 (5150 Snyder Lane). For example, the element could discuss interest from the property owner in developing the various parcels as a whole site, recent trends in developing a similar site and affordability or whether the various parcels are a cohesive site (sharing ingress and egress).

Adequate Sites Alternatives: The element is counting over 200 units under the alternative adequate sites (Gov. Code, § 65583.1, subd. (c)) through acquisition of market rate housing and generally describes several candidate projects. However, to utilize this potential for converting existing units toward the Regional Housing Needs Allocation (RHNA), the element must demonstrate how these projects will meet the requirements of Government Code section 65583.1, subdivision (c), including but not limited to identifying sources of committed assistance and various other requirements. For additional guidance, please see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/adequate-sites-alternative>.

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/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.

Zoning for a Variety of Housing Types (Emergency Shelters): The element should clarify whether emergency shelters are permitted without discretionary action, discuss any reuse or redevelopment opportunities and list and evaluate development standards as potential constraints.

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).)*

Land Use Controls: The element includes a general statement that developers do not consider development standards as constraints on housing. However, the element should include analysis of residential development standards. For example, the element could evaluate lot sizes and whether that impacts potential development opportunities. The element could also discuss the combination of various development standards (e.g., setbacks, heights, lot coverage) and impacts on the ability to achieve maximum densities without exceptions (e.g., density bonus, variance, conditional use permit).

Processing and Permit Procedures: The element states that a typical multifamily development is subject to a site plan and architectural review and lists various factors but should also evaluate those factors. Specifically, the analysis should address how the compatibility factor is utilized in the review process and any impacts on cost, timing, feasibility and approval certainty.

Building Codes and Enforcement: The element must list and evaluate local amendments to the building code for impacts on housing costs.

Other: The element explains the City has an administrative growth management program and generally describes the program does not impede the ability to accommodate the RHNA. However, the element should also analyze the process for impacts on housing costs, timing, approval certainty and consistency with the Housing Crisis Act pursuant to Government Code section 66300. For example, the element should list and evaluate any decision-making parameters and discuss the typical time to receive allotments.

## **B. 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... (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact and achieve the goals and objectives of the housing elements, programs must have specific commitment and discrete timing, as follows:

- *Programs HO-4.D (Address Homelessness) and HO-5.A (Housing Rehabilitation)*: The Programs commit to implement actions beginning in 2023 but should also commit to how often the City will implement actions (e.g., at least annually and ongoing).
- *Program HO-3.E (At-risk Units)*: The Program should commit to assist with funding and support funding applications.
- *Program HO-3.H (Assist in Development of Affordable Housing)*: The Program should commit to identify development opportunities (e.g., at least annually and ongoing) and pursue or provide funding as appropriate. In addition, the Program should commit to actions that assist in the development of housing for farmworkers, including identifying development opportunities (e.g., at least

annually and ongoing), assisting with funding, supporting funding applications, priority processing, granting incentives and coordinating with farmworker advocacy and any other related groups.

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 A2, 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:

- *Program HO-1.C (Sites to Meet RHNA):* The Program should commit to a shortfall of units by income group, minimum acreage, zones and appropriate development standards to facilitate achieve maximum allowable densities.
  - *Alternative Adequate Sites:* The element must include a program that commits to provide the assumed units by income category through committed assistance at affordable housing costs, including, but not limited to:
    - Identifying the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.
    - Indicating the number of units that will be provided to both low- and very low-income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.
    - Demonstrate that the units meet the requirements of Government Code section 65583.1, subdivisions (c)(1) and (2).
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 Findings A3, 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.

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... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element requires a complete analysis of AFFH. Depending upon the results of that analysis, the City may need to revise or add programs. While the element includes Programs, HO-4.A-E, 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 specific commitment, timelines, geographic targeting and metrics or numerical outcomes and, as appropriate, 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.