

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

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October 15, 2021

Michelle Ramirez, Community Development Director
Department of Community Development
City of Lynwood
11750 Alameda St,
Lynwood, CA 90262

Dear Michelle Ramirez:

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

Thank you for submitting the City of Lynwood's (City) draft housing element received for review on August 19, 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. Our review was facilitated by a telephone conversation on September 15, 2021 with you, Albert Armijo, Malia Durand, and Andre Dupret of your staff. 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.

The City's statutory deadline to adopt a housing element is October 15, 2021. 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 this statutory deadline, 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).

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County 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.

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.

HCD appreciates your efforts as well as those that Albert Armijo, Malia Durand, and Andre Dupret provided during the course of our 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 Jamillah Williams, of our staff, at Jamillah.Williams@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul McDougall', with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF LYNWOOD

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).)

A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. As part of this analysis, the element should describe the actual results of the prior element's programs, compare those results to the objectives projected or planned, and based on an evaluation of any differences between what was planned versus achieved, provide a description of how the objectives and programs of the updated element incorporate changes resulting from the evaluation. This information and analysis provide the basis for developing a more effective housing program. The element should be revised as follows:

- Program 2.1 should discuss actions the City took during the 5th cycle planning period.
- Programs 2.2, 2.3, and 3.3 must describe each program's implementation status and the success of the programs.
- Program 3.7 should describe the results of the program.
- Program 4.1 should describe the results of the program and whether or not the development code was revised.
- Program 4.2 should describe the success of the program and if it was continued into the 6th cycle element.
- Program 5.1 should describe in what way the 2,060 households were assisted.

In addition, as part of the evaluation of programs in the past cycle, 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).

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))*

The element includes the Assessment of Fair Housing (AFH); however, additional information is necessary to address the requisite affirmatively furthering fair housing (AFFH) analysis requirement, including local contributing factors to the fair housing issues and develop strong programs and strategies to address the identified fair housing issues. Specifically, the element provides data regarding the patterns of various socio-economic characteristics across components of the required analysis (e.g., segregation and integration, access to opportunity, displacement); however the element should also analyze trends for potential fair housing specific to Lynwood. In addition, the following analysis is required:

Fair Housing Enforcement and Outreach: The element must include the City's ability to provide enforcement and outreach capacity which can consist of actions such as the City's ability to investigate complaints, obtain remedies, or the City's ability to engage in fair housing testing. The analysis must also describe compliance with existing fair housing laws and regulations and include information on fair housing outreach capacity. Furthermore, the revisions should address:

- Degree of outreach to all sectors of the community,
- Ongoing outreach and public participation throughout the planning period,
- Indicate any findings, lawsuits or enforcement actions taken.
- Describe how many fair housing complaints the City has received over the past few years

Racial/Ethnic Concentrated Areas of Poverty (R/ECAP): While the element includes information and analysis relative to local R/ECAP, it should also include regional trends and patterns. The analysis must be complemented by quantitative evidence for the regional comparison and describe how the City's R/ECAP compares to the rest of the City. In addition, the City should also analyze local and regional trends and patterns of racial concentrations as it relates to areas of affluence. The analysis should evaluate the patterns and changes over time and consider other relevant factors, such as public participation, past policies, practices, and investments and demographic trends.

Access to Opportunity: The element provides some information on the access to opportunity but failed to provide a local and regional analysis of trends and patterns for all components. A complete analysis should include the local and regional disparities of the educational, environmental, and economic scores through local, federal, and/or state data; and provide a description of education, environment, and employment. It should also include analyses for persons with disabilities as well as access to transit. 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 Lynwood. The element

should provide sources for the environmental scores and educational scores listed in the element. The element should also analyze proximity to jobs for residents and provide programs as appropriate.

Integration and Segregation: While the element includes some data on integration and segregation (p. II-29), the element must include more substantial local data as well as include a regional analysis of trends and patterns. Furthermore, the element should describe any local knowledge on the decrease in diversity, dissimilarity index data, and a regional analysis for income describing similar concentrations and trends of poverty in surrounding areas. The element must also analyze regional trends and patterns of segregation and integration based on race, familial status, and persons with disabilities, as well as local and regional trends and patterns for income, and conclude with a summary of issues. Figure II-9 shows a concentration of poverty in a few areas, the City must provide an analysis and programs as appropriate.

Disproportionate Housing Needs and Displacement Risk: While the element does include data on overcrowded households, cost burden, and flooding, it must also include an analysis of substandard housing conditions, homelessness, and displacement (including to disaster–fire and earthquake). It must also provide a regional analysis for all disproportionate housing needs and analyze the data including looking at trends, patterns, and other local knowledge, and conclude with a summary of issues. High levels of overpayment and overcrowding were identified throughout the City, the element must strengthen the analysis as well as provide programs to address the identified issues.

Site Inventory: The element includes a map of the site inventory and states that the proposed sites to meet lower-income regional housing needs allocation (RHNA) are geographically distributed which results in AFFH. However, the accompanying analysis shall also be reflective of housing development at all income-levels and evaluate the sites relative to socio-economic patterns. The site inventory analysis should address how the sites are identified to improve conditions (or if sites exacerbate conditions, how a program can mitigate the impact), whether the sites are isolated by income group and should be supported by local data and knowledge. In addition, the element should address the public comments regarding all lower-income sites being located in low resource areas and whether that exacerbates fair housing issues in the City.

Contributing Factors: The element must list and prioritize contributing factors to fair housing issues. 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. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing. While the element lists two contributing factors, it must tie them to the analysis. In addition, the element must clarify the first contributing factor that was identified as well

as tie it to programs to assist persons with disabilities who experience housing discrimination.

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, most of these programs do not appear to facilitate any meaningful change nor address AFFH requirements. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtm>.

2. *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).)*

Overpayment: While the element identifies the total percentage of overpaying households, it must quantify and analyze the number of overpaying households by tenure (i.e., renter and owner) and include the number of lower-income households overpaying by tenure.

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).)*

The City has a RHNA of 1,558 housing units, of which 516 are for lower-income households. To address this need, the element relies on vacant and nonvacant sites, including sites in Specific Plan Areas. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete vacant and nonvacant analyses:

Progress in Meeting the RHNA: The element indicates (page B147-148) that one unit affordable to very low-income households and 66 units affordable to low-income household have "some form of approval," but does not specify if the projects are built, under construction or entitled. It also provides no information documenting how affordability of the units was determined. As you know, the City's RHNA may be reduced by the number of new units built since June 30, 2021; however, the element must describe the City's methodology for assigning these units to the various income groups based on actual sales price, rent level, or deed restriction of the units and demonstrate their availability in the planning period. Additionally, approved projects should list the status of projects and their anticipated completion dates.

Sites Inventory: While the sites inventory includes most requirements, it must clarify if the general plan and zoning have the same designations. The element must also clarify the sites identified as vacant but also include a year built are actually vacant.

The element must also clarify whether the potential units in the inventory is the realistic capacity of each site or the maximum potential units based on allowable densities.

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 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.

Realistic Capacity: The element must provide assumptions of buildout for sites included in the inventory, and 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, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. The element also needs to analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow nonresidential uses (e.g., mixed-use). This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development.

Zoning for Lower-Income Households: Pursuant to Section 65583.2(c)(3)(A) and (B), the element must identify sites with zoning and densities appropriate to encourage and facilitate the development of housing for lower-income households based on factors such as market demand, financial feasibility and development experience within zones. For communities with densities that meet specific standards (at least 30 units per acre for Lynwood), this analysis is not required (Section 65583.2(c)(3)(B)). The element must indicate the City's default density. The element should include a complete analysis to demonstrate how the zoning encourages the development of units affordable for lower-income households.

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 sites are suitable to accommodate housing for lower-income households. The element must provide data and analysis as evidence these small and large sites can adequately accommodate the city's lower-income housing need. For example, the analysis of small sites should include additional information regarding recent development such as overall development trends (e.g., proportion of total development on small sites), zoning, allowable density and a nexus to sites identified in the inventory. If the sites are expected to be consolidated, the element must demonstrate the potential for lot consolidation. For example, analysis describing the City role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to

encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site.

Suitability of Nonvacant Sites: While the element identifies nonvacant sites to accommodate the regional housing need for lower-income households and provides some description of the potential for redevelopment, 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).). For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment. To support this analysis, the element should describe the City's experience redeveloping underutilized sites and provide recent examples.

In addition, the element identified vacant sites in the inventory that list the year built. The element should clarify if those sites are truly vacant. If they are not, the element must list the existing use and describe the potential for redevelopment as well as the methodology used to determine the additional development potential within the planning period. Additional sites that need clarification of uses are site 58 (listed as vacant but has a parking lot) and 59 (listed as vacant, in development). The analysis should clarify if the entire nonvacant site will be redeveloped, or if only portions of the site are identified for redevelopment, for example large parking lots.

In addition, Lynwood's 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).

Previously Identified Nonvacant and Vacant Sites: If nonvacant sites identified in a prior adopted housing element or vacant sites identified in two or more consecutive planning periods, the sites are inadequate to accommodate housing for lower-income households unless:

- The site's current zoning is appropriate for the development of housing affordable to lower-income households by either including analysis or meeting the appropriate density. See Government Code section 65583.2, subdivision (c)(3), and

- The site is subject to a housing element program that requires rezoning within three years of the beginning of the planning period to allow residential use by-right for housing developments in which at least 20 percent of the units are affordable to lower-income households (Gov. Code, § 65583.2, subd. (c).).

Replacement Housing Requirements: If the sites inventory identifies sites with existing residential uses, it must identify whether they 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 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.

Accessory Dwelling Units (ADU): The element assumes an ADU build out of 27 ADUs per year based on the most recent (2020) production. Given that the City has only produced an average of 9 units per year between 2018 and 2020, 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 6 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.

Suitability and Availability of Infrastructure: The element must demonstrate sufficient existing or planned water, sewer, and other dry utilities supply capacity, including the availability and access to distribution facilities to accommodate the City's regional housing need for the planning period, and should mention if water, sewer, and dry utilities are city owned. (Gov. Code, § 65583.2, subd. (b).) For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental>.

For your information, 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. HCD recommends including a cover memo describing the City's housing element, including the City's housing needs and regional housing need.

Environmental Constraints: The element describes seismic, flooding, and soil/water contamination as environmental constraints that could impact housing development during the planning period but did not describe the City's plans to address these constraints or how these constraints could impact the development potential of the sites identified in the inventory.

Sites with Zoning for a Variety of Housing Types:

- Emergency Shelters: While the element identified a zone in which emergency shelters are a permitted use, it must describe the development standards, describe where the nearest emergency shelter is located within (or nearest to) the City, and demonstrate the R-3 and M zones have sufficient capacity to accommodate the identified housing need for emergency shelters. (Gov. Code, § 65583, subd. (a)(4).) For example, identifying the number of parcels, typical parcels sizes, whether the sites are nonvacant, and the potential capacity for adaptive reuse. Also, the parking standards for emergency shelters must comply with AB 139 (Gov. Code, § 65583, subd. (a)(4)(A)) and the building license requirement should be removed. The element must demonstrate consistency with these statutory requirements and include a program, as appropriate.
- 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 describe and analyze the City's transitional and supportive housing standards and codes and demonstrate consistency with Section 65583(a)(5) or add or revise programs which comply with the statutory requirements.
- Single Room Occupancy (SRO) Units: The element should describe the permit procedures for SROs.
- Housing for Farmworkers: The element states that the Lynwood Municipal Code does not address Low Farmworker Housing (6 or fewer) by definition (page IV-100). However, the element 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. The element use includes a program to address farmworker housing.

- Manufactured Housing: The element should describe how the City permits mobile homes. In addition, the element must also describe whether mobile homes on a permanent foundation are treated as a single-family home.
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: The element must identify and analyze all relevant land-use controls impact as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobilehomes, transitional housing). The analysis must also evaluate the cumulative impacts of land-use controls on the cost and supply of housing, including the ability to achieve maximum densities and cost and supply of housing. The analysis should also describe past or current efforts to remove identified governmental constraints and the element should include programs to address or remove the identified constraints. The element must address the following:

- The element should describe the development standards imposed on multifamily homes.
- Policy LU 1.4 lists densities based on population density per acre as well as dwelling units per acre. The element must analyze how the population density requirement is determined for a project, how it interacts with the dwelling unit per acre standard, and whether it acts as a development cap for proposed projects.
- Mixed Use Zones: Policy LU-6.1 (Page IV-79) states that a mixed-use area must be at least 10 acres of land. The element must address whether this criteria constrains any of the mixed-use areas identified in the inventory or if it is general guidance. The element should also clarify the highest density allowed in residential zones and if 100 percent residential or 100 percent commercial allowed in the MU zone.
- The element lists development standards the studio, 1-bedroom, and 2-bedroom units for the SCHD Zoning District but does not describe any development standards for single-family homes. The element should describe the standards for single-family homes as well as describe the location of the SCHD zoning district within the City.
- Table IV-3 should indicate if three-story buildings are allowed in each zone that allows for multifamily developments (p. IV-81) and should also identify if the 35-ft maximum height is applicable in the specific plan areas with high densities.

- The element should indicate if there are minimum unit sizes other than in the specific plan (listed at 500 square feet).
- The element should analyze the three-car garage requirement for single family homes with four or more bedrooms as a constraint and the two space requirement for multifamily development within the R-3 zone (Page IV-88). The element should also specify the parking garage requirements in the R-2 zone and analyze for constraints. Should the analysis determine the parking standards or permit procedures are a constraint on residential development, it must include a program to address or remove any identified constraints.

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. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single-family and multifamily housing as well as their cumulative impact on the development of housing. For additional information and a sample analysis and tables, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/fees-and-exactions.shtml>.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards and associated fees for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1(a)(1).

SB 35 Streamlined Ministerial Approval Process: The element must include a program to adhere to the SB 35 Ministerial Approval Process for development projects that meet specific requirements.

Local Processing and Permit Procedures: While the element describes some permit procedures, it failed to describe the site plan approval and planned development processes, as well as processing time for variances. The element also indicates that plans are approved at the discretion of the Director, which could be a constraint and needs additional analysis on the level of certainty for approval. The element 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. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/processing-permitting-procedures.shtml>.

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.

Codes and Enforcement: The element must describe the City's building and zoning code enforcement processes and procedures, including any local amendments to the building code, and analyze their impact as potential constraints on housing supply and affordability.

Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. For example, the analysis must describe any spacing or concentration requirements for housing for persons with disabilities. The element must also demonstrate the City has a reasonable accommodation procedure for providing exception in zoning and land use or include a program to do so. (Gov. Code, § 65583, subd. (c)(1)(3).)

In addition, the element currently details that residential care facilities and group homes are permitted in all residential zones. However, the element should clarify if residential care facilities and group home of all sizes are permitted or just 6 or fewer residents. Additionally, the element should discuss if group homes are also allowed in mixed use zones and describe how group homes of seven or more are allowed. 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.

Local Ordinances: The element must specifically analyze locally adopted ordinances such as inclusionary ordinances or short-term rental 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.

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).)

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. The element must also identify local efforts to address nongovernmental constraints that create a gap in the jurisdiction's ability to meet RHNA by income category.

6. *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).)*

While the element quantifies the City's special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

Farmworkers: The element must quantify the number of permanent and seasonal farmworkers in the City, for example data obtained from the USDA agricultural census. In addition, the element 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.

Homelessness: While the element includes a current local estimate of the number homeless individuals and families in need of emergency shelter, the element should clarify if the 85 homeless count are all unsheltered or if that number includes sheltered homeless persons or families. Information regarding homeless individuals and families within the community can be found by contacting local Continuum of Care or service providers. When possible, the estimate should be divided into single males, single females, and families (one or more adults with children) as the shelter needs of each subgroup differ significantly.

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 to be revised include the following:

- Program 1 (Code Enforcement and Housing Rehab) should indicate a specific implementation timeline. It should also describe what actions to City commits to taking, its outreach process, and how frequently the City will apply for funds throughout the planning period (p. V-119).
 - Specific implementation timelines must be included for programs 4 (Residential Energy Conservation), 6 (Developer Partnership Program), 9 (Housing Choice Voucher/Section 8), 10 (Los Angeles County Partnership) and 11 (First-time Homebuyer Program), 15 (Residential Density Bonus Ordinance) (p. V-121-128).
 - Program 5 (Housing Opportunity Sites) needs to be strengthened and should provide proactive outreach to developers regarding development incentives (p. V-122).
 - Program 7 (Incentives for Large Multifamily Units) should indicate a specific timeline and list the determining factors to qualify for incentives (p. V-123).
 - Program 12 (Housing Element Implementation) should indicate a specific timeframe and describe the incentives that are in place (p. V-126).
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:

Nonvacant Sites Reliance to Accommodate RHNA: As the element relies upon nonvacant sites to accommodate the regional housing need for lower-income households, it should include a program(s) to promote residential development of those sites. The program could commit to provide financial assistance, regulatory concessions, or incentives to encourage and facilitate new, or more intense, residential development on the sites. Examples of incentives include identifying and targeting specific financial resources and reducing appropriate development standards.

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.

Program 13 (Residential Development Standards Review): This program should address constraints in development procedures and include a specific timeframe. It should also address the frequency of which standards will be reviewed (p. V-127).

Program 16 (Small Lot Consolidation): The program should include a specific timeframe. While the current program commits to promotes itself on a website, stronger action items should be included such as proactive outreach. Additionally, the program should describe what determines eligibility and approval of funding.

Program 19 (Special Needs Housing): The program must clarify if transitional and supportive housing are allowed in all zones allowing residential, not just residential zones. Additionally, implementation to adopt the zoning changes should be sooner in the planning period (p. V-130).

Program to Mitigate Nongovernmental Constraints: The element must be revised to include a program that mitigates nongovernmental constraints that create a gap in the jurisdictions ability to meet RHNA by income category (Gov. Code, § 65583.2, subd. (c)(3).).

4. *Promote AFFH 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).)

Program to AFFH: While the element includes Program 18 which describes how the City responds to fair housing complaints, it must include specific timeframes for outreach and how often workshops will occur throughout the planning period. The element must also include actions that promote AFFH opportunities as stated in Finding B1. For example, the element could include a program committing to implement Government Code section 8899.50(b) which requires the City to administer its programs and activities relating to housing and community development in a manner to AFFH and take no action that is materially inconsistent with its obligation to AFFH. Affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming R/ECAP into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. Programs should 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 also include metrics and milestones for evaluating progress on programs, actions, and fair housing results.

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).)*

Program 3 (Monitor and Preserve Affordable Housing) must go beyond considering an action and should include a definitive implementation timeframe, quantified objectives, and a commitment to include actions regarding state preservation notice law requirements such as outreach to owners (Gov. Code, § 65863.10, 65863.11, and 65863.13) (p. V-120).

6. *Develop a plan that incentivizes and promotes the creation of ADUs 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 8 (ADUs) should be revised, or a new program added to update the City's ADU ordinance in order to comply with state law within one year of adoption. The

program should also provide incentives to homeowners. Once the ordinance is adopted, it must be submitted to HCD for review and incorporate HCD's ADU findings on the ordinance. For more information, please consult HCD's ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development.

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 included quantified objectives for the 5th cycle, the element must include quantified objectives for the 6th cycle to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period.

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 (pages 1-4, C-229), 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; the number of workshops held and the number of attendees at each, and if translation services were available. The element should also summarize the public comments and describe how they were considered and incorporated into the element. In addition, the element should include the date that the draft of the housing element was available on the City's website to ensure that the public was provided time to review and comment on a draft of the element in advance of submission to HCD. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.