

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

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December 14, 2023

Christopher Hoem, Director
Department of Community Development
City of Ceres
2220 Magnolia Street
Ceres, CA 95307

Dear Christopher Hoem:

RE: City of Ceres' 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Ceres' (City) draft housing element received for review on September 15, 2023. HCD also received revisions on December 7, 2023, but these revisions were not considered as part of this review period given the revisions were not made available to the public for seven days. 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 with you, Ande Flower, Kylie Pope, and Kailon Thompson on November 15, 2023. In addition, HCD considered comments from David Kellogg, 350 Contra Costa, Greenbelt Alliance, the California Rural Legal Assistance Foundation, Scott O'Neil, Watson Ladd, Marven Normal, Dara Dadachanji, and George Grohwin 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 (Gov. Code, § 65580 et seq). The enclosed Appendix describes these and other revisions needed to comply with State Housing Element Law.

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 Affordable Housing and Sustainable Communities program, 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.

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

HCD appreciates your cooperation and effort 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 Emily Hovda, of our staff, at Emily.Hovda@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF CERES

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 <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. 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. For example, Program 1.8 (Infill Site Inventory) states that "some sites in the inventory have been developed in the last few years" but provides no further details. As another example, Program 1.11 (Downtown Underutilized Sites) includes a series of questions to evaluate its effectiveness but does not contain any analysis or information on program outcomes.

Lastly, the element must provide an evaluation of the cumulative effectiveness of past 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).)*

Fair Housing Enforcement and Outreach: While the element included a summary of fair housing enforcement at the regional level, the element must include information on fair

housing enforcement specific to the City and analyze any complaints for trends, patterns, and impact on protected classes. The element must also include an analysis of any findings, lawsuits, or judgements related to enforcement actions regarding fair housing. In addition, the element analysis must describe compliance with existing fair housing laws and regulations and include information on fair housing outreach capacity. For additional information, please see HCD's AFFH Guidance Memo at:

https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf.

Integration and Segregation: The element reports some data on race at the local (areas within the City compared to each other) and regional (City compared to Region) but should also address integration and segregation patterns and trends with respect to disability, familial status, and income. The analysis should address patterns and trends over time, coincidences with other components of the assessment of fair housing and incorporate local data and knowledge and other relevant factors.

Disparities in Access to Opportunity: The element reports some local data on disparities in access to education, economic, and environmental opportunities but it should also address disparities in access to transportation opportunities, including accessibility and combined transportation and housing costs experienced by protected groups. Further, the element should also analyze the data for patterns and trends over time, particularly at the regional level and incorporate local data and knowledge and other relevant factors. Please refer to page 35 of the AFFH guidebook at: https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf.

Disproportionate Housing Needs (Substandard Housing Conditions and Displacement): While the element included some data regarding housing conditions (cost burden, overcrowding, homelessness). However, a complete analysis should evaluate local and regional trends and patterns related to substandard housing conditions and displacement across census tracts, blocks, or neighborhoods. The analysis should also analyze coincidences across other fair housing components including any neighborhood level concentrations.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): While the element provides some analysis regarding how sites affirmatively further fair housing, it should quantify the number of units by income category and location. Then, the element should evaluate the impacts of identified sites on existing patterns, including addressing any isolation of the regional housing need allocation (RHNA) by income group, lack of identified sites by income groups in any areas of the City and whether the identification of sites improves or exacerbates existing patterns of socio-economic characteristics. This is particularly relevant for lower-income sites to accommodate the RHNA identified in the West Landing Specific Plan Area.

Contributing Factors to Fair Housing Issues: Upon a complete analysis of AFFH, the element should re-assess and prioritize contributing factors to fair housing issues.

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).)*

Household Characteristics: The element must quantify the number of existing households by tenure (i.e. renter and owner) and the number of lower-income households by total and tenure (i.e. renter and owner). While the element provided percentages for these factors, percentages without a baseline figure do not document the scope of the potential housing problems.

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).)*

Overcrowding: The element must quantify the number of overcrowded households by tenure (i.e. renter and owner).

Housing Conditions: While the element identifies the age of the housing stock and utilizes American Community Survey (ACS) data, it must also include analysis of the condition of the existing housing stock and 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. This information is critical as the element notes “the City has tagged a number of residential structures due to substandard conditions” (p. A-72).

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).)*

Progress in Meeting the RHNA: The element relies on several pipeline projects to meet its RHNA. Specifically, the element identifies 270 units that are either pending, approved, or under construction. While the element includes some information on Table B-8 on the status of the City's projects, the element must demonstrate these units are expected to be constructed during the planning period. To demonstrate the availability of units within the planning period, the element could analyze infrastructure schedules, the City's past completion rates on pipeline projects, outreach with developers, and should describe any expiration dates on entitlements, anticipated timelines for final approvals, and any remaining steps for projects to receive final entitlements. In addition, the element must demonstrate the anticipated affordability for the Dhillon Villas and Moffett projects are based on actual or anticipated rents or sales prices or other mechanisms ensuring affordability such as inclusionary requirements or deed-restrictions.

Specific Plan Areas: The element may utilize residential capacity in specific plans to accommodate the regional housing need allocation (RHNA) but should account for the

number of units realistically anticipated to occur in the planning period. Specifically, the element indicates that the West Landing Specific Plan has an anticipated build-out horizon of 12-15 years and the Whitmore Ranch Specific Plan “is anticipated to be built out over a number of years” (pp. C-13; C-15) but is unclear or provides minimal information on its capacity assumptions. Further, HCD also understands that residential development in the West Landing Specific Plan has been constrained by the lack of sewer infrastructure and some parcels may also necessitate the conversion of existing farmland uses (pp. B-31). Therefore, the element should review and adjust its capacity assumptions and modify programs as necessary based on the outcomes of a complete analysis.

Large Sites and Specific Plans: Sites larger than ten acres 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. HCD understands acreage within both the West Landing and Whitmore Ranch Specific Plan Areas has yet to be parceled or subdivided. Additionally, the element indicates that likely future parceling for the Whitmore Ranch Specific Plan will be aligned with sub areas by uses and intensity that may result in much smaller than the identified acreage in the inventory (pp.C-16). The element must include a discussion of the specific plan including an analysis of potential future parceling. Additionally, HCD understands that the West Landing Specific Plan requires the construction of a sewer lift station. As part of the analysis, the element must address the availability and access to water and sewer infrastructure to accommodate the RHNA. The analysis should provide additional description of the specific plans, the acreage of sub-areas, presence of any land use maps, future parcel sizes, infrastructure schedules, and add or modify programs to facilitate development on parcel sizes that are deemed appropriate to accommodate housing during the planning period. Programs should include a commitment to facilitating the subdivision of parcels, outreach and working with property owners and providing incentives for appropriate parceling, development and monitoring.

Additionally, the element identifies one large site (pps. C-3; C-9) accounting for 11.8 acres to accommodate 251 units for the lower-income RHNA. The element included the Dhillon Villas is a 145-unit development (60 percent affordable to lower-income) on 6.29 acres as an example of redevelopment on large sites. However, this example is not reflective the assumptions for site size and affordability in the inventory. The element must provide an analysis demonstrating the sites larger than ten acres are suitable to accommodate the lower-income RHNA. The analysis should consider evaluating past trends or other relevant information to demonstrate the suitability and feasibility of developing of these sites. Based on a complete analysis, the element may need to add or modify programs to facilitate development affordable to lower-income households on large sites accommodating the RHNA.

Suitability of Nonvacant Sites: While the element identifies nonvacant sites, including the West Landing and Whitmore Specific Plan Areas, to accommodate the regional housing need for lower-income households, it provides minimal methodology or description of their 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, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).) Additionally, the element should connect the site characteristics included in Table C-8 to past development trends to demonstrate the feasibility of these sites being developed during the planning period.

In addition, the element relies on nonvacant sites to accommodate more than 50 percent of the housing needs for lower-income households. As a result, 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).).

Accessory Dwelling Units (ADUs): ADUs may be counted toward the RHNA based on past permitted units and other factors. The element projects 306 ADUs or approximately 39 ADUs per year over the eight-year planning period. However, in other areas, the element reports varying ADU projections. The element must reconcile this information and accurately indicate how many ADUs are being projected for the planning period. Additionally, this assumption is based solely on the City's implementation of Program 1.10 (Changes to the West Landing Specific Plan and Other Future Large Developments), which will require a minimum of 25 percent of single-family homes in the West Landing Specific Plan include an ADU or JADU (pp. 2-7). However, the element also indicated that the build-out horizon for this Specific Plan is projected at 12-15 years. Therefore, the element must address the likelihood that the ADUs will be realized during the eight-year planning period. As noted in the finding above regarding the West Landing Specific Plan, the element must discuss and analyze any timing, phasing requirements, and any potential barriers to development. Further, these assumptions are inconsistent with the City's ADU trends (nothing reported in 2018, 2019, 2020, and 2021) and do not support an assumption of 39 ADUs per year. The element must provide information on previous trends and reconcile that information with the City's Annual Progress Reports. In addition, the element must demonstrate the anticipated affordability of ADUs based on actual or anticipated rents or other mechanisms ensuring affordability (e.g. deed restrictions). For example, the element may utilize a rent survey or other information from Stanislaus County that examines rents and ADU affordability in the region. Lastly, a cursory review of the City's ADU ordinance by HCD discovered areas which appear to be inconsistent with State ADU Law. As a result, the element should add or modify a program to update the City's ADU ordinance to comply with state law with discrete timing (e.g., six months). HCD will provide a complete listing of ADU noncompliance issues under a separate cover.

Electronic Sites Inventory: 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/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. 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.

Infrastructure Availability: The element has identified a portion of its RHNA in Specific Plan Areas. HCD understands that these areas may still necessitate infrastructure improvements. First, the element must specifically indicate if total infrastructure capacity and access (existing and planned) is available to accommodate the RHNA. Second, the element must include a program committing to actions and a timeline to make sufficient infrastructure available to accommodate the RHNA.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element should describe the development standards of the M-1 zone that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions inappropriate for human habitability. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.
- *Transitional and Supportive Housing:* The element states that the City permits supportive and transitional housing in all residential zones and zones permitting residential uses by-right (pp. B-16). Program 1.6 (Zoning for Transitional and Permanent Supportive Housing) should be modified to explicitly state that 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.
- *Single Room Occupancy (SRO) Units:* The element notes that the City does not define SROs in the Zoning Ordinance (pp. B-15). As a result, Program 1.9 (Changes to the Zoning Code) should be modified accordingly to include a specific definition of SROs, irrespective of the City's existing boarding or rooming house definitions.
- *Housing for Agricultural Employees:* The element must demonstrate 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. To address this, the element references Program 3.11 (Employee Housing) on page B-17, but this program does not reflect updates to the Zoning Code to conform with these requirements and should be revised.

- *Manufactured Housing:* Manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling would be subject to. However, the element presents contradicting information on Tables B-1 and B-4 regarding mobilehomes and manufactured housing permitted in the R-A zone. The element must reconcile this discrepancy and add or modify programs to demonstrate consistency with this requirement. And on page B-14 that manufactured homes are not permitted in the R-A zone. The element must add or modify a program to allow manufactured housing in the R-A zone in the same manner as single-family homes demonstrate consistency with this requirement.

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).)*

Land Use Controls: While the element includes some discussion of land use controls in Appendix B, it is not clear whether projects at the current zoning and development standards are feasible. The element must identify and analyze all relevant land use controls independently and *cumulatively* with other land use controls for their impacts as potential constraints on a variety of housing types. The analysis should specifically address requirements related to parking, heights, lot coverage, minimum unit sizes, and limits on allowable densities. For example, the element should address multifamily parking requirements as potential constraints on housing (e.g., two parking spaces per unit, covered parking) and add or modify programs to remove constraints. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Local Processing and Permit Procedures: While the element includes some information about the City's permit and processing procedures, (pp. B-23-25), it should also describe the procedures for a typical single-family and multifamily development. The analysis should address the approval body, the number of public hearings, if any, approval findings, and any other relevant information. This analysis is particularly important for the Planned Community Development Plan (PCDP) process. The analysis should address impacts on housing cost, supply, timing, and approval certainty and add or modify programs as appropriate. In addition, the element should address public comments on this revised draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

SB 330: The element should demonstrate how the City complies with SB 330 and add or modify programs if necessary. For example, the element should address actions that result in lesser intensification pursuant to Government Code section 66300 as well as provisions related to the Housing Accountability and Permit Streamlining Acts.

Fees and Exactions: While the element provides a table of impact fees for single-family and multifamily housing development (pp. B-22-23), it should also compare these fees with those of comparable jurisdictions in the region.

On/Off-Site Improvements: The element 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. In addition, , the element references the construction of a wall or vegetative barrier if a multi-family project abuts a single-family neighborhood, which should be addressed as a potential constraint on a variety of housing types. Based on a complete analysis, the element should add or modify program(s) to address potential constraints.

Codes and Enforcement: The element provides a general discussion of the City's building codes and notes that the City has adopted the 2022 California Building Code. The element should also identify any local amendments to the building code and analyze impacts on the cost and supply of housing. The element must also analyze how municipal codes are enforced (e.g., proactive versus reactive enforcement, typical citations, resources) and add programs as necessary to address any identified constraints.

Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation procedures. However, the element should also describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities. Based on a complete analysis, the element should add or modify program(s) to address any potential constraints.

Group Homes: While the element notes that licensed residential care facilities are principally permitted use in residential zones (pp. B-15), it must also identify and evaluate how unlicensed group homes facilities that serve six or fewer persons or seven or more persons are permitted. The element should add or modify programs based on the outcomes of a complete analysis, as necessary. For more information, please consult HCD's Group Home Technical Advisory Memo at <https://www.hcd.ca.gov/sites/default/files/docs/planningand-community/group-home-technical-advisory-2022.pdf>.

Zoning, Development Standards, and Fees Transparency: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the City's website and add a program to address these requirements, if necessary.

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to*

develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2... (Gov. Code, § 65583, subd. (a)(6).)

Developed Densities: The element must be revised to analyze requests to develop housing at densities below those anticipated in the sites inventory if any, including hinderance on the construction of a locality's share of the regional housing need.

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).)*

Special Needs Households: While the element includes some data, a general discussion of housing challenges faced by special needs households, and proposed programs, it must still provide an analysis of the existing needs and resources for each special needs group. For example, the element should discuss the existing resources to meet housing needs (availability of shelter beds, number of large units, number of deed-restricted units, community services, etc.,) and an assessment of gaps in resources. Local officials, special needs service providers or County social and health service providers may be able to assist with information to complete the analysis. The element may need to add or revise programs and policies based on the outcomes of a complete analysis.

Farmworkers: The element must specifically quantify the number of permanent and seasonal farmworkers within the County (USDA Agriculture Census data).

8. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 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 indicates that Ceres Christian Terrace (67 assisted units) is at risk of conversion in the planning period. Therefore, the element must include additional analysis that estimates the total cost of preserving these units, include a list of entities with the capacity to acquire at-risk developments, and identify potential sources of funding that can be used to preserve the development.

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... (Gov. Code, § 65583, subd. (c).)*

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. The element must also provide quantified objectives where appropriate, and all programs should be evaluated to ensure provision of discrete timing (e.g., month and year) to account for how the action will occur as well as to ensure a beneficial impact throughout the planning period. The element may include aspirational and complex programs with actions and timelines beyond the planning period (“ongoing,” “research,” “create a study...”). However, these programs should be ancillary and denoted in some manner. As an example, Program 2.1 (Preserving Mobile Home Parks) commits the City to encouraging the preservation and rehabilitation of mobile home parks but does not describe any specific action as to how the City will do so. As another example, Program 3.11 (Employee Housing) commits the City to preserving and supporting the expansion of affordable housing opportunities for local employees but does not describe any specific actions the City will undertake nor does it provide a quantified objective number of housing units preserved or created. In addition:

Program 1.5 (Promote Secondary Dwelling Units): The element includes Program 1.5 to establish incentives and other concessions for ADUs. However, given the City’s assumptions for ADUs exceed recent trends, Program 1.5 should also be revised to include a commitment to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., six months).

Program 2.4 (Conserve At-Risk Units): The element includes Program 2.4 that specifies actions to monitor at-risk units. However, the program should be modified to include noticing requirements within three years and six months of the affordability expiration dates, in addition to coordinating with qualified entities such as non-profit organizations and establish specific time parameters around such actions.

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 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:

Replacement Housing Requirements: The element includes Program 2.5 (Replacement Unit Program) to provide replacement housing in accordance with Government Code section 65915 (c)(3). However, the program should be modified to also adhere to the requirements referenced in Government Code section 65583.2(g).

Program 1.11 (Non-Discretionary Approval Process for 4th and 5th Cycle Reused Sites): The element indicates the West Landing Specific Plan is not subject to the requirements of Government Code section 65583.2, subdivision (c) because subdivision is required for these newly annexed areas (pps. 2.8; 4-1; C-5). However, while discretionary approval is required to comply with the Subdivision Map Act, all other relevant entitlements should still meet by-right-requirements and the program should be revised, as appropriate.

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 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.

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).)*

Goals, Actions, Metrics, and Milestones: As noted in Finding B1, the element must be revised to add goals and actions based on the outcomes of a complete analysis. Currently, the City's AFFH actions are mostly limited to outreach and marketing activities. 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 commitments, metrics, and milestones as appropriate, and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, and place-based strategies for community preservation and revitalization and displacement protection.

D. 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)(9).)

While the element includes a summary of public participation including outreach to the community (Appendix E), it should employ additional methods of public outreach and participation moving forward to include all segments of the community in the public participation process, including engaging organizations which represent lower-income and special needs groups. In addition, the element should address public comments related to site feasibility and include discussion of how they were incorporated in the element.