

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

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October 4, 2021

Ken Robertson, Director
Community Development Department
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254

Dear Ken Robertson:

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

Thank you for submitting the City of Hermosa Beach's (City) draft housing element received for review on August 5, 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 29, 2021 with you, Christy Teague, Carlos Luis, and consultant John Douglas.

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 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, (RHNA) 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).

Pursuant to Government Code section 65583.3, the City must submit an electronic, true-and-correct copy of the housing element site inventory when it submits its adopted housing element to HCD for review. The City must utilize standards, forms, and definitions adopted by HCD. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

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: 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 will meet housing element requirements for these and other funding sources.

HCD is 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 Molivann Phlong, of our staff, at (916) 776-7569 or molivann.phlong@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 HERMOSA BEACH

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).)

The element provides (p. A-2) general information on the previous element's programs. However, 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.

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

Fair Housing Enforcement and Outreach: The element includes (p. III-16) general information on 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. This section should include a (1) listing

of local, regional and state agencies and organizations active in the locality; (2) description of primary activities and capacity for each entity, including actions taken by the locality, such as provision of dedicated resources; (3) evaluation of impacts on protected characteristics and geographic trends; and (4) any additional relevant information about fair housing enforcement, outreach capacity, and resources in the City and region affecting groups with other protected characteristics.

The element must also be updated to include findings, lawsuits, enforcement actions, settlements, or judgments related to fair housing or civil rights; compliance with existing fair housing laws and regulations; conclusion and findings; summary of fair housing issues related to enforcement and outreach capacity and relationship to other fair housing issue areas (e.g., segregation and integration, racially and ethnically concentrated areas of poverty, etc.). Please refer to page 28 of the AFFH guidebook (link: <https://www.hcd.ca.gov/community-development/affh/index.shtml#guidance>) for the specific factors that should be considered when analyzing outreach and enforcement that are unique to Hermosa Beach.

Integration and Segregation: The element includes some data on segregation (p. III-17) at the regional and local level. However, this analysis must discuss levels of segregation and integration for race and ethnicity, income (specifically low- and moderate-income households), familial status, persons with disabilities, and identify the groups that experience the highest levels of segregation locally and regionally complemented by data and concluding with a summary of issues. Page 31 of the AFFH guidebook provides detailed information on data considerations to help support this analysis.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP): The element does not include (p. III-17) information relative to R/ECAP. The analysis must be complemented by data to conduct a comparison of local and regional patterns and trends. In addition, the City should also analyze the racial and income concentrations as it relates to areas of affluence. The combination in the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. 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. Page 32 of the AFFH guidebook provides detailed information on data considerations to help support this analysis.

Disparities in Access to Opportunity: The element provides general information (p. III-17) that discusses the City as being designated as a high-resource area. However, the analysis must provide more details, and include data and analysis to support a summary of fair housing issues. The analysis must address local and regional disparities, using maps, data tables, and discussion that describes the following opportunity variables: education, transportation, economic, environment, and other factors. The housing element must also analyze the housing and community needs of persons with disabilities. Pages 35-38 of the AFFH guidebook discusses what analysis should be included and provides comprehensive information on how to sufficiently meet the requirements of this part of the analysis. 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 Hermosa Beach.

Disproportionate Housing Needs and Displacement: The element does not include (p. III-17) data on disproportionate housing needs, including displacement risk. This section must analyze cost burden and severe cost burden by tenure; overcrowding by tenure; substandard housing with local data and knowledge such as housing condition surveys or code enforcement activities; homelessness data, and displacement data. This analysis must also analyze the data including addressing trends, patterns, and other local knowledge, and conclude with a summary of fair housing issues. Please refer to pages 39-40 of the AFFH guidebook for specific factors that should be considered.

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.

Sites Inventory AFFH Analysis: The element does not include (p. III-17) an analysis that addresses how the sites inventory affirmatively furthers fair housing. AB 686 requires a jurisdiction's site inventory to be used to identify sites throughout the community, consistent with its duty to AFFH. Sites must be identified and evaluated relative to the full scope of the AFFH (e.g., segregation and integration, racially and ethnically concentrated areas of poverty and affluence, access to opportunity, etc.). The site inventory and accompanying analysis must identify and analyze selected sites, map the location of the sites, indicate the number of projected units for each site and represent the assumed affordability (i.e., lower, moderate, and above moderate) for each site, and evaluate sites relative to socio-economic patterns. The analysis must not be limited to the identification of sites for lower income households; however, it should incorporate the City's projected housing development at all income levels and assess the extent to which that development will either further entrench or ameliorate existing patterns of segregation and/or exclusion of members of protected categories.

AFFH Goals, Policies, and Actions: 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 meet AFFH requirements. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results.

Given that most of the City is considered a highest resource community, the element could focus on programs that enhance housing mobility and encourage development of more housing choices and affordable housing throughout the community.

Programs also need to be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. 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).)*

While the element identifies the total number of overpaying households (p. I-6), it must quantify and analyze the number of overpaying households by tenure (i.e., renter and owner) for total households and lower-income households.

In addition, the element identifies the age of the housing stock (p. I-11). However, it must 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.

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 regional housing need allocation (RHNA) of 558 housing units, of which 359 are for lower-income households. To address this need, the element mainly relies on rezoning sites and ADUs to meet the City's housing needs. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses.

Sites Inventory: Tables B-3 and B-4 describe in general the existing use of each nonvacant site for example "commercial" or "residential". This alone is not adequate or sufficiently detailed to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, Table B-4 must identify what income group each site is expected to accommodate similar to Tables B-2 and B-3 and should indicate the expected general plan and zone the candidate sites will be upon rezoning. If the sites are City-owned, the element should identify them as such and outline the City's plans for development including a schedule for development and compliance with the Surplus Lands Act.

Small Sites: Table B-4 lists many sites for potential rezoning under one-half acre. Sites smaller than one-half acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower income housing. (Gov. Code, § 65583.2, subd. (c)(2)(A).) For example, a site with a proposed and approved housing development that contains units affordable to lower income households would be an appropriate site to accommodate housing for lower-income households. (Gov. Code, § 65583.2, subd. (c)(2)(C).) The element must also demonstrate the sites to accommodate a shortfall of lower-income comply with Government Code section 65583.2, subdivisions (h) particularly that candidate sites can accommodate a site capacity of at least 16 units.

Realistic Capacity: While the element provides (p. B-1) assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The City lists maximum density allowed in a zone multiplied by the size of the parcel. 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 100 percent nonresidential uses (e.g., mixed-use). If sites are rezoned to mixed-use, consider competing uses, the extent nonresidential uses are allowed, and environmental constraints limiting the usage. Also, there should be analysis on typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction. This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development.

Suitability of Nonvacant Sites: The element must include an analysis to demonstrate the potential for redevelopment. For example, the element identifies existing residencies, religious institutions, city hall, the community center, and a variety of commercial uses, but does not analyze the potential for redevelopment of these sites within the planning period. The analysis shall consider factors including, but not limited to, the extent existing uses constitute an impediment to additional residential development, recent developments, development trends, market conditions, the City's past experience converting existing uses to higher density residential development, analysis of existing leases or other contracts that would perpetuate the existing use or prevent additional residential development, and incentives or standards that encourage development. For example, the element could consider indicators such as age and condition of the existing structure, presence of expiring leases, expressed developer interest, low improvement to land value ratio, and other factors.

In addition, specific analysis and actions are necessary if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-

income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Accessory Dwelling Units (ADU): The element calculates accessory dwelling unit (ADU) potential for the planning period by considering a rate of 30 ADUs per year based on the most recent (2020) production (p. I-25). Specifically, in addition to other methods, HCD accepts the use of trends in ADU construction since January 2018 to estimate new production. Based on HCD's records of past production between 2018 to 2020, the City is averaging one unit per year. To support assumptions for ADUs in the planning period, the element could reduce the number of ADUs assumed per year or reconcile trends with HCD records, including additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. Further, the element's ADU program (Program 6) should commit to additional incentives and strategies, frequent monitoring (every other year) of ADU production and affordability and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if ADU assumptions for the number of units and affordability are not met.

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. (Gov. Code, § 65583.2, subd. (b).)

Sites with Zoning for a Variety of Housing Types:

Transitional and Supportive Housing: The element includes (p. III-5) transitional housing and supportive housing under special needs housing. However, the section of the element only states the state law. 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 Government Code section 65583, subdivision (a)(5) or add or revise programs which comply with the statutory requirements.

Accessory Dwelling Units (ADU): After a cursory review of the City's ordinance, HCD discovered several areas which were not consistent with State ADU Law. This includes, but is not limited to, height restrictions, requirement of setbacks for junior accessory dwelling units (JADUs), restricting bedroom count, open space requirements, among others. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance in order to comply with state law. For more information, please consult HCD's ADU Guidebook, published in December

2020, which provides detailed information on new state requirements surrounding ADU development.

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).)*

Parking Requirements: The element must analyze the parking requirements (p. III-7) of 2 spaces plus 1 guest space for single-family and multifamily residential dwellings for its impact as a potential constraint on housing. 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.

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

Local Processing and Permit Procedures: While the element provides a description (pg. III-3) of the Precise Development Plan (PDP) required for housing developments, it must describe and analyze the PDP process, identify what is reviewed, typical findings and approval procedures by zone and housing type. 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 family and multifamily developments, including type of permit, level of review, approval findings and any discretionary approval procedures.

The element explains the City is located (p. III-10) within the Coastal Zone but the City's zoning ordinance has not been certified by the Coastal Commission. The element should describe what areas of the City are subject to coastal zone regulations and whether the City has prepared a draft Local Coastal Program (LCP) and is actively seeking approval from the California Coastal Commission. Depending on the status of the approval process, the element may need to include an analysis of whether the City coastal preservation policies will potentially impact future or existing housing development within the designated coastal zone of the City especially for sites that require rezoning identified in Table B4.

The element provides a general overview of the City's processing and permit procedures for residential developments (p. III-11). However, the element must also clarify compliance and include further analysis with a streamlined ministerial approval process pursuant to Government Code section 65913.4 (Senate Bill 35; Chapter 366, Statutes of 2017).

Constraints on Housing for Persons with Disabilities: The element currently details (p. III-4) that residential care facilities serving six or fewer persons are permitted in all residential zones. However, residential care facilities serving seven or more persons are limited to the same zones with the approval of a conditional use permit. 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. In addition, while the element briefly describes the City's reasonable accommodation process, it should describe the procedure and evaluate impacts, including identifying and analyzing findings of approval.

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 generally explains the cost of construction for new housing development (p. III-15). However, the element should also further analyze the cumulative, quantitative impact or the total costs of developing new housing within the City, utilizing local and regional data, to provide and analyze data for land costs, construction costs, availability of financing, and other unique nongovernmental constraints within the City.

The element must also include an 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 include a description of any program(s) that mitigate nongovernmental constraints that create a gap in the jurisdiction's ability to meet RHNA by income category. (Gov. Code, § 65583.2, subd. (c)(3).)

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 (p. I-14) 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, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

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 3 (Density Bonus and Other Incentives): Provide a definitive implementation timeline (e.g., month and year).
 - Program 4 (Affordable Housing Development Outreach and Assistance): Provide a definitive implementation timeline (e.g., month and year).
 - Program 5 (Facilitate Efficient Use of Sites that Allow High-Density Residential Development): Provide a definitive implementation timeline (e.g., month and year).
 - Program 7 (Land Value Recapture): Provide a definitive implementation timeline (e.g., month and year).
 - Program 8 (Housing Trust Funds): Provide a definitive implementation timeline (e.g., month and year).
 - Program 10 (Housing for Persons with Special Needs): Provide a definitive implementation timeline (e.g., month and year).
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. 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, Program 9 (Adequate Sites to Accommodate Housing Needs) should be amended to specifically identify total capacity of shortfall sites to be accommodated by rezoning including the number of acres to be rezoned, provide a definitive implementation timeline (e.g., month and year) for completion of rezones, and identify the proposed zones for the rezoned sites to meet the. Sites must be zoned to allow for use by-right, pursuant to Government Code section 65583.2, subdivision (i).

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 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.

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).)*

As noted in Finding B1, the element must include a complete analysis of AFFH. Based on the outcomes of that analysis, the element must add or modify programs. For example, Program 12 (Affirmatively Furthering Fair Housing) should include affirmative goals and actions sufficient to further overcome patterns of fair housing issues and foster inclusive communities free from barriers that restrict access to opportunity. Given that most of the City is considered a highest resource community, the element could focus on programs that enhance housing mobility, encourage development of more housing choices and affordable housing and provide displacement protections for low-income residents. Programs also need to be based on identified contributing factors, be significant and meaningful. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml#guidancecv>.

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)(8).)

While the element includes a general summary of the public participation process, the element should 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. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.