

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



January 19, 2021

Tonya Ward, Senior Planner
Planning Department
City of Auburn
1225 Lincoln Way
Auburn, CA 95603

Dear Tonya Ward:

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

Thank you for submitting the City of Auburn's (City) draft housing element update received for review on November 20, 2020, along with revisions received on January 12, 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 various communication with you and your consultants Cynthia Walsh and Julia Schnell.

The draft element addresses many statutory requirements; however, the following revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code).

1. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites (Gov. Code, § 65583, subd. (a)(3).*

Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level... (Gov. Code, § 65583, subd. (c)(1)).

Generally, the element relies on accessory dwelling units (ADUs) and the Baltimore Ravine Specific Plan Areas to accommodate the regional housing need for lower-income households. Specifically, the element relies on 22 units in Plan Area 1 and 36 units in Future Plan Area 2 for lower-income households. These units are required as part of the Specific Plan approval. Additional units may be utilized in Future Plan Area 2 depending on factors

such as appropriate densities and available zoning. Given phasing and infrastructure requirements in the Specific Plan, the element must include a discussion of the potential availability of units in the planning period, especially for lower-income households in the Future Plan Area 2. The element should also discuss the current lack of and timing of zoning in Future Plan Area 2. Based on this analysis, the element must include programs or alternative strategies as appropriate to address any timing issues and availability of zoning.

2. *The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit...Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include...Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone (Gov. Code, § 65583, subd. (a)(4)(A)(ii)).*

The element describes zoning and capacity for emergency shelters. However, the element must also describe development standards. The analysis must address whether parking requirements are limited to staff working in the emergency shelters and do not require more parking than other residential or commercial uses in the zone. The element must include programs as appropriate based on the outcomes of this analysis.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls... (7) (Gov. Code, § 65583, subd. (a)(5)).*

An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ...the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2...(Gov. Code, § 65583, subd. (a)(6)).

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... (Gov. Code, § 65583, subd. (c)(3)).

While the element lists development standards and findings for reasonable accommodation and mentions approvals consistent with municipal code, it

must also include analysis and programs based on the outcomes of that analysis, as follows:

Heights, Lot Coverage and Parking Requirements: The element indicates heights of 30 feet, maximum lot coverage of 40 percent and 2 space per unit parking requirements for multifamily uses in the R-3 zone. However, the element must analyze these requirements and include programs as appropriate to address identified constraints.

Reasonable Accommodation: The element lists findings for providing reasonable accommodation in zoning and land use for housing for persons with disabilities. Some findings appear to be constraints and must be addressed as appropriate. For example, findings such as alteration of neighborhood character, undermining purpose of the general plan or harm to the property of others appear to be potential barriers to housing for persons with disabilities. As a result, the element must include analysis and programs as appropriate to address identified constraints.

Approved Densities: While the element mentions that the City approves development consistent with municipal code, it should also address requests to develop housing at densities below those anticipated in the sites inventory and analysis of realistic capacity.

Sewer Priority: The element should clarify if the City provides sewer service and has established written procedures to provide priority service to developments with units affordable to lower income households. Programs must be included as appropriate based on the outcomes of this analysis.

4. *A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period... (Gov. Code, § 65583, subd. (c)).*

Several programs must be added or modified with specific commitment and timelines, as follows:

Program A, F and I (Assist in Development): These programs should proactively reach out to developers of affordable housing regardless of notices of funding availability. Outreach should include actively facilitating development opportunities for housing affordable to lower-income households and persons or households with special needs. These programs may be consolidated.

Program N (ADUs): This program should include specific commitment and clarify how often the city will monitor, what will be monitored and when alternatives will be completed if ADUs are not being permitted as assumed in the element.

5. *Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing... (Gov. Code, § 65583, subd. (c)(10)(A)).*

The element includes a variety of information and analysis related to affirmatively furthering fair housing, however, additional information is necessary to address this requirement, as follows:

Regional Analysis: The analysis must discuss and compare trends and patterns relative to the larger Sacramento region. This analysis must address all of the affirmatively furthering fair housing areas including fair housing enforcement and outreach, integration and segregation, racially and ethnically concentrated areas of poverty, disparities in access to opportunity and disproportionate housing needs, including displacement risks.

Segregation and Integration and Disproportionate Housing Needs, Including Displacement Risk: The element must identify and analyze population by race at a smaller geography within the city and disproportionate housing needs, including overpayment by owner, overcrowding and risk of displacement.

Persons with Disabilities: While the element discusses patterns of persons with disabilities, it must also describe the availability of resources and improvements by areas to better inform goals and actions.

Sites Inventory: The element must identify sites throughout the community to affirmatively further fair housing. In response, the element notes over half of the lower-income need is accommodated in the Baltimore Ravine Specific Plan, a high resource opportunity area. In addition, the element should include how sites for lower-income households will be integrated throughout the Specific Plan and include programs as appropriate.

Identifying and Prioritizing Contributing Factors to Fair Housing Issues: The element must be revised to evaluate and prioritize contributing factors, including based on the outcomes of analysis described above.

Goals and Actions: The element must be revised to add or modify goals and actions based on the outcomes of analysis described above. Goals and actions must specifically respond to the analysis and 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 metrics and milestones as appropriate and must address mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for preservation and revitalization and displacement protection.

The element will meet the statutory requirements of State Housing Element Law once it has been revised to comply with the above requirements.

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 must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. For example, the City must proactively make any draft revisions available to the public such as directly sending revisions to stakeholders or directly noticing stakeholders (beyond noticing in the newspaper) and individuals regarding the availability of revisions. HCD encourages the City to post all materials related to its housing element, including drafts and revisions, on the City's website and proactively share the web address with HCD and individuals and organizations involved in the preparation of the housing element.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of May 15, 2021 for Sacramento Area Council of Governments localities. If adopted after this date, Government Code section 65588, subdivision (e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit our website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf

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 appreciates your hard work and dedication in preparation of the City's housing element and looks forward to receiving the City's adopted housing element. If you have any questions or need additional technical assistance, please contact Hillary Prasad, of our staff, at (916) 263-1784.

Sincerely,



Megan Kirkeby
Deputy Director